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Crl.O.P.No.15295 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 and 420 r/w 34 of IPC in Crime No.12 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on verification of the certificates such as nativity certificates and salary certificates, it was found that those were not issued by the concerned revenue officials and the petitioner after obtaining money, issued those certificates by forging the signatures and seals of the officials. It is further alleged in the complaint that for the past many years, the petitioner issued those certificates by forging the signatures and seals of the Government officials for which he got benefited for each certificate, even in the xerox copies of the attested signatures and seals prepared by the petitioner and forged their signatures also. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the



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petitioner and the defacto complainant were closely associated during the year 2006 to 2018 and thereafter, due to difference of opinion between the defacto complainant and the petitioner, he supported the opposite candidate in the last assembly election and the defacto complainant won the last election and due to that, the defacto complainant started giving trouble to the petitioner by using his political power. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) would submit that the petitioner after getting money, issued certain certificates to get benefits from the Government under certain schemes such as old age pensions and widow pensions by forging the signatures and seals of the officials. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the petitioner fabricated and forged signatures of the revenue officials and issued certificates to various persons to claim benefits. However, the prosecution



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could not able to say what is the loss to the exchequer and what is the amount paid to the beneficiaries based on the certificates issued by the petitioner herein. Therefore, the custodial interrogation of the petitioner does not require in this case. As such, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Chief Judicial Magistrate, Puducherry, Puducherry District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs



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and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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