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Crl.O.P.No.22732 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 & 420 of IPC, in Crime No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused have forged the signature of the *de-facto* complainant who was living abroad and extended the lease. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is none other than the person who had attested the lease extension documents. He would further submit that the petitioner was not aware about the domicile of the *de-facto* complainant and based on the request made by the A1, the petitioner had signed as a witness to the documents. He would further submit that the main accused has been arrested and remanded to judicial custody. He would further submit that



Crl.O.P.No.22732 of 2022

the petitioner is not a beneficiary of the transaction. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had helped the A1 to forge the documents as if the *de-facto* complainant had extended the lease. He would further submit that the main accused has been arrested and he is in custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner along with main accused had forged the signature of the *de-facto* complainant and created documents as if the *de-facto* complainant had extended the lease. Thereby, he opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is



Crl.O.P.No.22732 of 2022

only stated to have attested the documents and he is not a beneficiary of the transactions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Judicial Magistrate No.I, Nagapattinam, Nagapattinam District**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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.



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Crl.O.P.No.22732 of 2022

A.D.JAGADISH CHANDIRA, J.

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[b] the petitioner shall report before the respondent everyday at 10.30 a.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.

17.10.2022
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Crl.O.P.No.22732 of 2022