



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.03.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.2398 of 2022

C.Jayaprakash

... Petitioner/Accused

Vs

State represented by
The Inspector of Police,
Dindigul CBCID,
Dindigul District.
(Crime No.1 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.T.Antony Arulraj,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

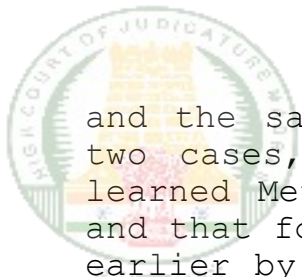
PRAYER :- For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 and 471 IPC, in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that When Special Tahsildar and District Supply and Consumer Protection conducted inspection on GO GAS an Auto Gas Bunk, they came to know that the bunk was running on a forged No Objection Certificate and after further verification, it was found that the signature of the District Revenue Officer (DRO) was fabricated. Hence, the complaint.

3.The learned counsel for the petitioner would submit that previously Central Crime Branch, Chennai, has registered two cases in Crime Nos.26 and 51 of 2020 for similar offence, that the petitioner was arrested and while he was in custody, he was detained under the TN Act 14 of 1982, that the petitioner has filed a petition in Cr.P.No.589 of 2020 before the Principal Seat at Madras



and the same was quashed vide order dated 05.08.2020 and in those two cases, the petitioner was released on statutory bail by the learned Metropolitan Magistrate for CCB and CBCID, Egmore, Chennai and that for the case in Crime No.453 of 2019, which was, registered earlier by the Andhiyur Police Station, he was granted anticipatory bail by the Principal Seat at Madras in Crl.O.P.(MD)No.13407 of 2020 vide order dated 07.09.2020 and that subsequently, the present FIR came to be registered.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the No Objection Certificate (NOC) in the complaint was sent to the expert opinion and received the expert opinion stating that the signature was entirely different.

5.Considering the nature of charges levelled against the petitioner and also the facts that he was already granted anticipatory bail for similar case by the Principal Seat at Madras in Crl.O.P.(MD)No.13407 of 2020 and that except the above four cases, the petitioner is not having any other previous cases for similar or serious offence, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

08/03/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
DINDIGUL CBCID,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.DEIVANANDAM, Advocate (SR-11057[F] dated 10/03/2022)

ORDER

IN

CRL OP(MD) No.2398 of 2022

Date :08/03/2022

CSM

MS/PN/SAR-2/11.03.2022/3P.6C