



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2022
PRESENT

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The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13881 of 2022

V.Andi

... Petitioner/Accused

Vs

The State rep.by
The Sub Inspector of Police,
District Crime Branch,
Madurai District
Cr.No.99/2013.

... Respondent/Complainant

For Petitioner : M/s.MUTHU GANESA PANDIAN.K,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABHAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Cr.No.99/2013 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 Section 120 (b), 468, 471 and 420 IPC in Cr.No.99 of 2013, seeks anticipatory bail.

2.The case of the defacto complainant as per the complaint is that A1 obtained community certificate fraudulently as Scheduled Caste and completed 3 years Law course, for which the petitioner / accused, who is the Village Administrative Officer helped him.

3. The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is not a competent authority to issue certificate and he was also retired from service and seek anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit at totally five accused involved in this case and A1 and A2 released on bail in the year 2013 itself and A3 and A5, who are the Revenue Divisional Officer and Thasildar are passed away and the investigation of the case is pending.

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5.Considering the facts and circumstances of the case and also considering the fact that the offence is of the year 2013 and that the petitioner herein is not a competent authority to issue a community certificate, 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 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.1, Madurai, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.

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

+1. CC to M/S. MUTHU GANESA PANDIAN.K Advocate SR.No.46888 (F)
(Date:26/09/2022)

ORDER

IN

CRL OP(MD) No.13881 of 2022
Date :23/09/2022

TRP

SA/GB/SAR.1/03.10.2022/3P/6C