



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14670 of 2022

WEB COPY

S.Edwin Kinsraj

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : M/s.Cibi Chakaraborthy.T, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

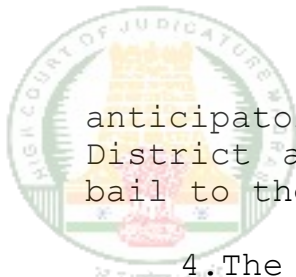
For Anticipatory Bail in Crime No.36 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468 of I.P.C and Section 66C of the Information Technology Act, 2000 and 63 (a) of the Copyright Act, 1957, in Crime No.36 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein running a laboratory called 'Vivek Laboratories' and that was also registered by including the permission for testing Covid-19. The first accused created fake certificate by using the digital signature of the defacto complainant and one Pradeepa, who is working as Bio-Technologist in the institution. By the above said process, they have tested more than 3,27,682 specimen and made profit worth about Rs.32,76,82,000/-. On the basis of the complaint given by the defacto complainant, present case came to be registered against the accused and this petitioner was arrayed as second accused.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the co-accused was already granted



anticipatory bail by the Principal Sessions Judge, Kanniyakumari District at Nagercoil. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent police submitted that even as per the agreement that has been entered between the first accused and the petitioner, this petitioner permitted the above said first accused to use his name and also received part of amount as share for the above said activities. But, however, the first accused was granted anticipatory bail by the Principal Sessions Judge, Kanniyakumari District at Nagercoil, in Crl.MP.No.4287 of 2022 dated 12.08.2022.

5.Considering the facts and circumstances of the case and also considering the fact that the first accused was granted anticipatory bail by the Principal Sessions Judge, Kanniyakumari District at Nagercoil, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-I, Nagercoil, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/08/2022

/ TRUE COPY /

/09/2022

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-I, NAGERCOIL.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KANYAKUMARI,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.T.CIBI CHAKARABORTHY, Advocate (SR-8586[I] dated
17/08/2022)

ORDER

IN

CRL OP(MD) No.14670 of 2022

Date :16/08/2022

DSS

RS/SVR/SAR.2 (01.09.2022) 3P-6C