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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16579 of 2022

Mohan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Thillainagar Police Station,
Trichy District.
Crime No.527 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Kishore Ram K.R., Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.527 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 468, 470, 471 IPC, in Crime No.527 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased Sanjana, is the wife of the defacto complainant. The accused persons are the in-laws of the defacto complainant. The deceased and the defacto complainant got divorced and a petition for the guardianship of their minor daughter in GWOP No.643 of 2021 is pending before District Judge, Trichy. The petitioner's daughter committed suicide and a criminal case is pending against the defacto complainant in this regard. In the meanwhile, the accused persons forged the legal

<https://www.hc.madras.gov.in/judis>



had committed the offence of forging Government documents, the complaint.

3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A1. The deceased is none other than his daughter. A false case has been foisted against him and his wife. Co-accused/A2 was already enlarged on bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the co-accused was enlarged on bail. A1 is the father-in-law and A2 is the mother-in-law of the defacto complainant. They forged the legal heir certificate of the deceased. Hence, prays to dismiss the petition.

5. Considering the nature of the offence, considering that the co-accused was already enlarged on bail and that the petitioner is not having any antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

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.IV, Trichy 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 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 daily at 10.30 am for a period of one month and thereafter, 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 be present before the Court on hearing dates and before the respondent police as and when required;

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
THILLAINAGAR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16579 of 2022

Date :15/09/2022

RK/SVR/SAR-1 (21/09/2022) 3P/5C