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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17845 of 2022

Ramamoorthi

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.103 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.P.S.Palanivelrajan,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.103/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420, 464, 466, 470, 471 of IPC, in Crime No.103 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who was discharging his duties as a Special Sub Inspector of Police, Cheranmadadevi Police Station, had received a complaint from one Chinnadurai seeking Non Traceable Certificate as the parent document in his mother's name has been lost. The Petitioner signed NTC as if it was signed by the defacto complainant and gave it to one Mr.Selvavelayutham, Advocate, who in turn by using NTC obtained NOC from the Registrar Office for registering the document in favour of third party. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner Chinnadurai had preferred a complaint that his mother's document in respect of immovable property was missing. As such the complaint was received in his police station, after completing the formalities of paper publications as stipulated by the DGP circular, the NTC was made ready. He further submitted that the petitioner had nothing to do with either preparing the certificate or handing it over to one Selvavelayutham as alleged by the prosecution.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that the petitioner is a permanent resident and there is no possibility for absconding, this Court is inclined to anticipatory grant bail to the petitioner.

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, Cheranmadevi, Thirunelveli 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 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 learned 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 **once in a week i.e., on every Saturday at 10.30 a.m.**, for a period of Eight weeks, 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]**; and;



(f) if the accused / petitioner 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.

vsd

TO

1. THE JUDICIAL MAGISTRATE, CHERANMADEVI, THIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.P.S.PALANIVELRAJAN, Advocate (SR-11047[I] dated
07/10/2022)

ORDER
IN
CRL OP(MD) No.17845 of 2022
Date : 06/10/2022

RK/VR/SAR- (10/10/2022) 3P/6C