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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19568 of 2021

1.Selva Nayagam
2.S.M.Raja

... Petitioners/Accused
Rank Not Known

Vs

State rep.through
The Inspector of Police,
CCB Police Station,
Tirunelveli City.
(Crime No.21 of 2020)

... Respondent/Complainant

For Petitioners: M/s.M.Maharaja, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl. side)

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

PRAYER :-

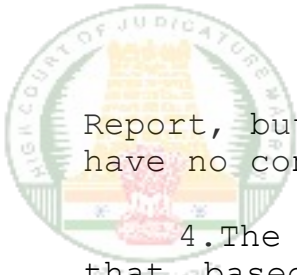
For Anticipatory Bail in Crime No.21 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468 and 471 IPC, in Crime No.21 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 18.10.2019, the accused were present before the defacto complainant, who is working as a Sub-Registrar, Tirunelveli City, to register a sale deed and that the sale deed and the identity card produced by the accused found to be bogus. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners' name does not find place in the First Information



Report, but subsequently, they have been falsely implicated and they have no connection whatever with the alleged occurrence

4.The learned Government Advocate (Criminal Side) would submit that based upon on the confession statement recorded from the accused Nos.1 and 2, the petitioners were implicated. He would further submit that investigation is pending.

5.It is not in dispute that the first accused was already released on bail and that the case is pending from 2020 onwards.

6.Considering the above facts and also the nature of charges levelled against the petitioners and also the fact that the petitioners have been implicated, based upon the confession statement recorded from the accused Nos.1 and 2, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
18/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CCB POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19568 of 2021
Date :18/02/2022

SP/PN/SAR II/23/02/2022/3P/5C