



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19862 of 2021

A.Murugan

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : M/s.A.Sivasubramanian, 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 petitioner/A.3, who apprehends 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, seeks anticipatory bail.

2.The case of the prosecution is that on 18.10.2019, the petitioner along with other accused were present before the defacto complainant, who is working as a Joint Registrar, Palayamkottai, for registration of power of attorney and on perusal of the documents, the defacto complainant came to know that Voter ID and other documents produced by the accused found to be bogus. Hence, the complaint.



3. When the matter was taken up for hearing on 14.12.2021, the learned counsel for the petitioner would submit that as per the FIR, one Murugan, S/o. Subbiah, residing at 16/8, Lakshmipuram, C.N. Giramam, Tirunelveli District, was shown as the accused and whereas, the present petitioner is S/o. Aiyadurai Thevar residing at No. 40 A West Street, C N Village, Tirunelveli, is entirely different address and also produced the Aadhar card of the petitioner. This Court, on perusing of the CD file that they have mentioned about the availability of CCTV footage in the registration office, has directed the respondent police to identify the accused person through CCTV footage and also directing the petitioner to appear before the respondent police to complete the investigation.

4. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that the CCTV footage does not disclose the presence of the petitioner and they were not in a position to find out the person, who was present at the registration office.

5. Considering the above facts and circumstances and also the facts that the CCTV footage available in the registration office does not disclose the presence of the petitioner and that the petitioner was already granted interim anticipatory bail by this Court, 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 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 No. 1, Tirunelveli, 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 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 daily at 10.30 a.m., for a period of thirty (30) days 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
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 DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SIVASUBRAMANIAN.A Advocate SR.No.1557

ORDER
IN
CRL OP(MD) No.19862 of 2021
Date :28/02/2022