



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1978 of 2023

WEB COPY

1.Jeyaprakash

2.Mukil Vignesh

...Petitioners/Accused Rank not known

-vs-

The State Represented by
Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Cr.No.870 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.870 of 2022 on the file of the respondent Police.

For Petitioners : Mr.C.Mayil Vahana Rajendran
Advocate

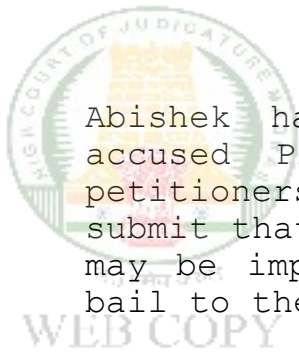
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 353, 417, 419 and 420 IPC in Crime No.870 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Rajeswari, who is working as Bench Clerk-Grade III in Judicial Magistrate No.2, Kumbakonam, is that the petitioner and 3 others are accused in C.C.No.323 of 2020 on the file of the Judicial Magistrate No.2, Kumbakonam and when the defacto complainant called the accused in C.C.No.323 of 2020 registered by the Swamimalai Police Station, at the instigation of the petitioners, one Abishek impersonated on behalf of the third accused namely Prabu and cheated the court. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been



Abishek had appeared before the court impersonating the first accused Prabhu in C.C.NO.323 of 2020. Other than that, the petitioners have nothing to do with the offence. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the first accused in this case namely Abishek impersonated as Prabhu, the third accused in C.C.No.323 of 2020. He would further submit that the said Abishek has confessed that only at the instigation of the petitioners, he has impersonated as Prabhu. He opposes to grant anticipatory bail.

5. In reply, the learned counsel for the petitioners would submit that the first accused has done impersonation and he has been arrested and later he has been enlarged on bail by this Court in Crl.O.P. (MD)No.22122 of 2022 dated 15.12.2022.

6.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Kumbakonam, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m for a period of 4 weeks and thereafter every Saturday at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with 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 SC** .
[f] If the accused thereafter absconds, a fresh FIR can be
registered under Section 229A IPC.

sd/-
01/02/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.1, KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3 INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYILVAHANARAJENDRAN, Advocate (SR-1604[I] dated
01/02/2023)

ORDER
IN
CRL OP(MD) No.1978 of 2023
Date :01/02/2023

RK/CG/SAR-4 (08/02/2023) 3P/6C