



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

Thursday, the Sixteenth day of February Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2567 of 2023

Manikandan

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(in Cr.No.57 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioner on bail in the event of
his arrest by the respondent Police with respect to Cr.No.57 of
2023.

For Petitioner	: Mr.J.Senthil Kumaraiah
For Respondent	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections 465,
467, 468, 471 and 420 of IPC in Crime No.57 of 2023 on the file of
the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant,
is that the petitioner has indulged in forgery of document for the
purpose of getting crop insurance under the PMFBY scheme and hence,
the case.

3.The learned Counsel for the petitioner would submit that the
petitioner is an innocent and a false complaint has been given. He
would also submit that since the petitioner has questioned the
officials, a false complaint has been given, as if the petitioner
has attempted to claim crop insurance by producing forged documents.
He would submit that the petitioner does not have any previous case
against him. He would seek for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner has attempted to avail a crop insurance by producing fake documents. He would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Kovilpatti, 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 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 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 everyday at 10.30 a.m., for a period of three weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with 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 229A IPC.

sd/-

16/02/2023

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/ /2023

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

CMR

<https://www.mhc.tn.gov.in/judis>



TO

1.The Judicial Magistrate No.II, Kovilpatti.

2 Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No.2542 (I)

ORDER

IN

CRL OP (MD) No.2567 of 2023

Date :16/02/2023

NA/BUC/SAR-4/24.02.2023/3P/6C