



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.3766 of 2023

Tharun Mohan

... Petitioner/Accused Rank Not Known

Vs

State Rep by
Deputy Superintendent of Police,
Crime Branch, C.I.D.,
Madurai Range.

(Crime No.1 of 2019)

... Respondent/Complainant

(Mother Crime Number 196/2019 G.Vilakku Police Station)

For Petitioner : Mr.S.Marshall, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 419 & 420 IPC in Crime No.1 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was impersonation in NEET examination and hence, the medical college authorities gave complaint.

3.Heard and perused the materials available in the records.

4.It is a case of impersonation. Crime of the year 2019 and the main accused was arrested and released on bail. As far as the petitioner is concerned, he was issued notice under Section 41(A) Cr.P.C. Hence, this Court is of the view that custodial interrogation of the petitioner does not require.



5. Considering the above facts and circumstances of the case, 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.I, Madurai 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, daily morning at 10.30 A.M., and evening at 05.00 P.M., for a period of four weeks and thereafter, as and when required for interrogation;

[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/-

10/03/2023

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

gns



TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE, CRIME BRANCH CID,
MADURAI RANGE, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.FAZIL KIRMANI B, Advocate (SR-3986[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.3766 of 2023

Date :10/03/2023

RS/CG/SAR-4 (21.03.2023) 3P 6C