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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2023

PRESENT

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

CRL OP(MD). No.6738 of 2023

Johnson Kumar

... Petitioner/Accused Name Not in FIR

Vs

State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Tiruchirapalli District.
(Crime No.114/2023).

... Respondent/Complainant

For Petitioner : Mr.K.P.S.Palanivel Rajan, Senior Counsel
for Mr.S.Vinayak, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.114/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 466, 468, 471 and 473 of I.P.C., in Crime No.114 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one P.M.Martin approached the de-facto complainant, who is Village Administrative Officer, for change of patta in his name from the name of Mary Saraal, who is the paternal aunt of the said P.M.Martin and has produced a legal heirship certificate, dated 29.05.2010, issued by Tahsildhar, Lalgudi Taluk, which reflected the name of the said Martin as the sole legal heir. On enquiry, the de-facto complainant came to know that the said Mary Saraal had other siblings and he verified the genuinity of the certificate and he came to know that the legal heir certificate was not issued by the competent authority and the said Martin was informed that he obtained the same from the accused persons, who used the fake government seals. Hence, the case.



3. Heard. Perused the materials available on record and the First Information Report.

4. It is seen that the petitioner is not an named accused in the FIR. He has been implicated as an accused only on the confession statement recorded from the first accused. On perusal of the confession statement of the first accused revealed that the petitioner also approached the first accused in order to obtain the legal heirship certificate. After receipt of money, the first accused provided legal heirship certificate to the petitioner. That apart one Martin approached the Village Administrative Officer and produced the legal heirship certificate for change of patta. On verification, it was found that the said legal heirship certificate is fabricated one and as such he lodged the present complaint and insofar as the petitioner is concerned, he has also approached the first accused.

5. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner is not required in this 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, Lalgudi, Trichy District, 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 at 06.30 P.m., for a period of two 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 FII registered under Section 229A IPC.

sd/-
12/04/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE, LALGUDI, TRICHY DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE, LALGUDI POLICE STATION,
TIRUCHIRAPALLI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.VINAYAK, Advocate (SR-5856[I] dated 13/04/2023)

ORDER
IN
CRL OP(MD) No.6738 of 2023
Date :12/04/2023

RS/BUC/SAR-1(17.04.2023) 3P 6C