



CRL OP(MD). No.17455 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17455 of 2023

Mohamed Abdul Kather

... Petitioner / Accused No.8

Vs

The State rep by
The Inspector of Police,
District Crime Branch
Theni District.
(Crime No. 37 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s Ajmal Associates, Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 37 of 2023 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 465, 468, 471 and 120B IPC in Crime No.37 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner other accused said to have created a forged legal heirs certificate and registered a Doc.No.3030 of 2022 on the file of SRO, Vadamadurai, Dindigul District. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is the Sub Registrar of office and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has registered a document based on the forged legal heir certificate given by the other accused. He would further submit that A1 has already granted anticipatory bail by this Court and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is only a Sub Registrar of the office and that the co-



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accused has already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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, Theni 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
04/10/2023

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/10/2023

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

TRP

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
District Crime Branch,
Theni District.

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

+1. CC to M/S AJMAL ASSOCIATES Advocate SR.No.46018(F), dated 05.10.2023



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ORDER

IN

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Date :04/10/2023

ED/VRS/SAR- (10/10/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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