



Crl.O.P.No.12171 of 2024

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C.SARAVANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 and 468 of IPC in Crime No.239 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that one Punitha proposed to visit foreign. As she did not have a proper birth certificate, she approached one Dayalan, a writer, writing petitions in the Taluk Office Campus. The said Dayalan, in turn demanded Rs.2,000/- for obtaining the birth certificate and the same was made ready. On enquiry, it was found that the birth certificate was forged and one Dayalan confessed that he had sought help from the petitioner who is working as a temporary Office Assistant in the Arni Thasildhar Office and FIR was registered for the alleged offence. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with one Dayalan had demanded money from Punitha and made ready bogus birth certificate and hence, opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Having considered the submissions made by the learned counsel for the petitioner and the learned Public Prosecutor and also considering the nature of the offence alleged to have been committed by the petitioner along with Dayalan, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) to the credit of Crime No.239 of 2024, within a period of four weeks from the date on which the order copy is made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her/his appearance, before the **learned Judicial Magistrate, Arni**, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) to the credit of Crime No.239 of 2024, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.



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[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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