



Crl. O.P. No.19003 of 2024

Crl. O.P. No.19003 / of 2024

WEB C P.DHANABAL.J.,

The petitioners / A4 and A8, who apprehend arrest in the hand of the respondent police for the offences punishable under Sections 319, 338, 340, 49, 318(1) and 351(3) of B.N.S. in connection with the Cr. No.12 of 2024, seek anticipatory bail.

2. The learned counsel appearing for the petitioners would contend that the respondent police have registered a false case against the petitioners and they have not committed any offence as alleged in the F.I.R., that the 1st petitioner is only the attesting witnesses in the documents and only he signed as a witness and the 2nd petitioner is a document writer and they have not committed any offence and therefore, he prayed to grant anticipatory bail to the petitioners.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the 1st petitioner has only identified the impersonator as the defacto complainant and he played a vital role in this case and the case is under investigation and the offences against the petitioners are grave in nature and hence strongly objected to grant anticipatory bail to the petitioners.



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4. The learned counsel appearing for the intervener / defacto complainant has also reiterated the arguments of the Government Advocate appearing for the State.

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

6. Considering the submissions made by the learned counsels, considering the gravity of the offences, considering the fact that the 1st petitioner has played a vital role in the commission of the offences and in respect of the same, investigation is at initial stage, I am declined to grant anticipatory bail to the 1st petitioner at this stage.

7. As far as the 2nd petitioner is concerned, considering the arguments of the learned counsels, considering the fact that there is no previous case pending as against the 2nd petitioner, that the 2nd petitioner is a document writer of previous documents of the year 2003 and considering the nature of offences charged against the 2nd petitioner, I am inclined to grant anticipatory bail to the 2nd petitioner subject to the following conditions:



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8. Accordingly, the 2nd 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, Namakkal** on condition that the 2nd 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 2nd petitioner shall report before the respondent police on every day at 10.00 a.m. for a period of 30 days.

[b] the 2nd petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



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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 269 B.N.S.2023.

03.09.2024
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mjs

To

1. The Judicial Magistrate No.I, Namakkal
2. The Inspector of Police, District Crime Branch, Namakkal.
3. The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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