



CRL OP(MD) No.3239 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3239 of 2024

GOPINATH

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.56 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M.S.JEYAKARTHIK Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.56 OF 2024 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 alleged offence under Section 468 IPC, in Crime No.56 of 2024, seeks anticipatory

bail

<https://www.hmc.tn.gov.in/judis>



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2.The case of the prosecution is that the defacto complainant sought details with regard to the Government orders and guidelines for doing renovation works in the water bodies situating in the Town Panchayats of Sivagangai District under the Right to Information Act. Since he was not furnished with the information, he preferred appeal before the State Information Commission and the State Information Commission, vide its letter dated 23.01.2024, has sent the records to the defacto complainant, in which, one of the records reveals that the defacto complainant has already received information from the Executive Officer, Elayangudi and the defacto complainant also made his signature, after receiving the above information. In fact, the defacto complainant did not put his signature in the above mentioned record and his signature was fraudulently made in the said document. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has already sent the information as sought for by the defacto complainant under the Right to Information Act and he did not forge the signature of the defacto complainant. However, on instructions, he would submit that the petitioner is ready to pay a sum of Rs.25,000/- to the Panchayat Union Middle School, Thanjakkoor Village, Manamadurai Taluk, Sivagangai District, without prejudice to his rights and contentions before the trial



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Court, for buying furniture to the said School. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Elayangudi, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Panchayat Union Middle School, Thanjakkoor Village, Manamadurai Taluk, Sivagangai District, without prejudice to his defence before the trial Court, and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner; The Headmaster of the said School shall utilize the said amount for the purpose of buying furniture to the School and file necessary proof before the concerned learned Magistrate;

(d)the petitioner shall report before the respondent police daily at 05.30 p.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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(h)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC;

sd/-
01/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE,
ELAYANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO:

THE HEADMASTER,
PANCHAYAT UNION MIDDLE SCHOOL,
THANJAKKOOR VILLAGE, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2622[I] dated 01/03/2024)



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ORDER
IN
CRL OP(MD) No.3239 of 2024
Date :01/03/2024

SA/GS/SAR. /13.03.2024/6P/C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.