

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3144 of 2024

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C., by the petitioner/accused No.3 seeking anticipatory bail in Cr.No.92 of 2024 of I.S. Sadan Police Station wherein, the allegations leveled against the petitioner are under Sections 420, 467, 506 r/w. Section 34 of Indian Penal Code (for short 'IPC') and under Section 156 (3) Cr.P.C.

2. Heard Sri Mohd. Abdul Kalam Siddiqui, learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner would submit that the petitioner herein has no role in this case. He is only nephew of accused No.2 and this Court has already issued Section 41-A Cr.P.C., notice to the accused No.2. He also contended that the allegation of forgery is not attracted to the petitioner, as according to the complaint the forgery is committed by accused Nos.1 and 2. As such prayed the Court to grant pre-arrest bail to the petitioner.

4. Learned Assistant Public Prosecutor opposed the bail application stating that the allegations leveled against the petitioner are that he forged the tax receipts and he is also

involved in an offence under Section 467 of IPC. As such, requested the Court to dismiss this petition.

5. Having regard to the submissions made by both counsel and the material placed on record, it is seen from complaint that petitioner herein has received consideration from AGPA through cheque from the complainant and the allegation of forgery are against A.1 and A.2. Further, this Court has already directed the Police to issue 41-A Cr.P.C., to accused No.2. Hence, this Court is of the view that the request of the petitioner can be accepted for grant of anticipatory bail on certain conditions.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.3 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioner/Accused No.3 shall report before the Station House Officer, I.S. Sadan Police Station on

every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.

- (iii) The petitioner/Accused No.3 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.3 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.3 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.3 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.3 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused No.3 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.3 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.3 shall not leave India without prior permission of the Court concerned.
- (xi) The petitioner/Accused No.3 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the afore-mentioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

29th April, 2024
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DATE :29.04.2024

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