



Crl.OP.No.11585 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11585 of 2025

A.Kingsly Gerald

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
CBCID South Police Station,
Nagapattinam.
(Crime No.1 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.1 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Jawahar Jayaraman

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side



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ORDER

WEB COPY The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 120(b), 468, 471 of IPC in Crime No.1 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the case was registered in the above said Crime Number on the direction of the Registrar Vigilance of this Court for the offences under Sections 491, 420, 120(b), 468 & 471 of IPC, stating that the accused had cheated the Court by impersonating two persons viz., the defacto complainant and one Suseela and offered themselves as sureties for the first accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A8; that he had appeared as a lawyer for the accused in the cases for which the sureties were produced; that he had no knowledge about the alleged impersonation and that in any case, the allegations against him are borne out by records and that custodial interrogation of the petitioner is not required for the purpose of



investigation and prayed for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) for the respondent reiterated the prosecution case and submitted that the signature of this petitioner was not found in the documents filed before the Court; that the surety memo and other details were signed by the petitioner's clerk; that the petitioner had told the accused to inform the Court that they were relatives of the accused and had thus abetted the impersonation.

5. It is seen that the main accused who are alleged to have impersonated the defacto complainant have been arrested and now released on bail. It is also seen from the counter affidavit of the respondent that surety memo was signed by the Clerk of the Petitioner. Considering the nature of allegation against the petitioner and the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY 6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate Nagapattinam** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 report before the respondent police twice a week i.e., on every Monday and Friday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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



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Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

23.04.2025

Index : Yes / No
Internet : Yes / No
rkp
To

- 1.The Sub-Inspector of Police,
CBCID South Police Station,
Nagapattinam.
- 2.The Judicial Magistrate,
Nagapattinam.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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