



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2058 of 2015

KARUPPASAMY

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DT,
CRIME NO.7/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G. KARUPPASAMY PANDIAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

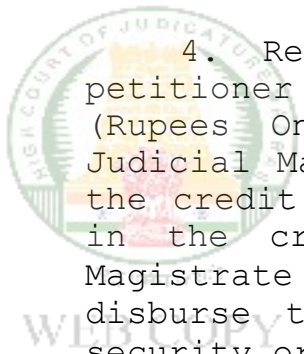
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 13.01.2015 for the offences punishable under Sections 406, 420, 423, 465 and 506(ii) of IPC in Crime No.7 of 2015 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that this petitioner and the co-accused had entered into an agreement with Kamalam, the *defacto* complainant, in which, they have represented that the property belongs to one Leelavathii and that they are acting on the instructions of the said Leelavathi for selling the land. An agreement dated 14.12.2013 was prepared and the petitioner had taken it the said Leelavathi and after getting the signature, he had given it to the *defacto* complainant. On the strength of the agreement, the *defacto* complainant has given around Rs.6,00,000/- (Rupees Six Lakhs only) to the petitioner and the co-accused as advance for the land. Only thereafter, the *defacto* complainant came to know that the original Leelavathi has not signed the said agreement and this petitioner has managed to fabricate the document. This petitioner was arrested on 13.01.2015.

3. Mr.G.Karuppasamy Pandian, learned counsel appearing for the petitioner would submit that without prejudice to the defence in this case, the petitioner is willing to repay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the *defacto* complainant.



4. Recording the said statement, bail is granted to the petitioner on condition that he shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the learned Judicial Magistrate No.2, Srivilliputhur, Virudhunagar District, to the credit of Crime No.7 of 2015, without prejudice to his defence in the criminal prosecution and on such deposit, the learned Magistrate shall issue notice to the *defacto* complainant and disburse the amount as *ex-gratia* compensation, without obtaining security or surety from the *defacto* complainant.

[a] On such deposit, the petitioner shall be released on bail on his executing 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 Judicial Magistrate No.2, Srivilliputhur, Virudhunagar District, and on further condition that:

[b] the petitioner shall report before the respondent police twice a day daily at 10.30 a.m. in the morning and 06.30 p.m., in the evening for a period of two 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 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] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
11/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.2, SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR
- 3 THE INSPECTOR OF POLICE KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DT,
- 4 THE OFFICER-IN-CHARGE
SUB-JAIL, SRIVILLIPUTTUR VIRUDHUNAGAR DISTRICT
- 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.G.KARUPPSAMY PANDIAN Advocate in sr.No. 6398

ORDER

IN

CRL OP(MD) No.2058 of 2015

Date :11/02/2015