



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

Friday, the Nineteenth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13443 of 2016

MURUGESAN

... PETITIONER/SOLE ACCUSED

Vs

STATED REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.

CRIME NO.7 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.BAALASUNDHARAM Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.K.P.NARAYANAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

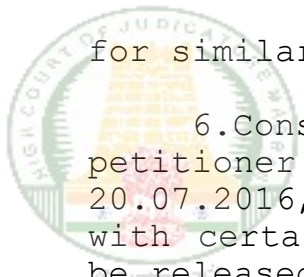
The petitioner who is arrayed as Accused was arrested and remanded to judicial custody on 20.07.2016 for the alleged offences punishable under Sections 406,419,420,465,467,468 and 471 of IPC, in Crime No.7 of 2015, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that one Murugappan Chettiar, who is the owner of the property in question, died in the year 1985 itself. While so, the petitioner forged and created power of attorney, as if the father of the defacto complainant - Murugappan Chettiar appointed him as Power agent in the year 1998 to deal with the property in question and formed a lay out and sold the house site to various third parties. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is in judicial custody from 20.07.2016.

4. The learned counsel for the intervenor submitted that the father of the defacto complainant died on 08.09.1985. The defacto complainant is doing business at Chennai and by using the absence of the defacto complainant and his family members, the petitioner created forged document, as if the father of the defacto complainant executed a general power of attorney in favour of the petitioner in the year 1998 and sold the properties belonging to the defacto complainant and his family members, worth about Rs.1,80,000/-.

5. The learned Government Advocate (Crl. Side) submitted that the petitioner has created a forged power of attorney in the name of the father of the defacto complainant and formed a lay out and sold the house site to various third parties and petitioner also involved in Crime No.1 of 2010, 20 of 2014 and Crime No.108 of 2015



for similar offences and the investigation of the case is pending.

6. Considering the nature of allegations levelled against the petitioner and the petitioner is in judicial custody from 20.07.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

- (i) 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 learned Judicial Magistrate, Alangudi, Pudukottai District.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m., and 5.00 pm until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

19/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGUDI, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.
- +1. CC to M/S K.BAALASUNDHARAM Advocate SR.No.45701

ORDER

IN

CRL OP(MD) No.13443 of 2016

Date : 19/08/2016