



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

Tuesday, the Fourth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8200 of 2017

1 SAHUL HAMEED
2 JAMES SAMUELRAJA @ SUNDAR ... PETITIONERS / ACCUSED 2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 81 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.SAMUEL GUNASINGH Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

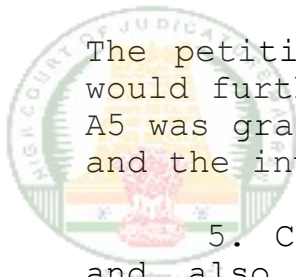
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 18.06.2017, for the offences punishable under Sections 465, 468, 471, 472, 473 and 420 of IPC., in Crime No. 81 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 to A3 with the help of A4 and A5 created a Life Certificate, in the name of one Duraisamy, who is father of the A1 in this case, who had executed a power of attorney in favour of A2, for selling his property. A5 is the Government Doctor, who said to have forged the signature of the defacto complainant, who is also a Government Doctor and with the help of A4, affixed Government seal in the Life Certificate issued in favour of father of A1 in this case.

3. The learned counsel appearing for the petitioners states that the Life Certificate was obtained from the competent Government Doctor, for the purpose of execution of Sale Deed, on the basis of the power of attorney executed in favour of the second petitioner herein. The alleged Life Certificate was issued by A5, who is said to have forged the signature of the defacto complainant, was granted anticipatory bail in this case. The petitioners were arrested on 18.06.2016 and they are in custody.

4. The learned Additional Public Prosecutor appearing for the respondent states that there are totally five accused in this case.



The petitioners herein are arrayed as A2 and A3 respectively. He would further submit that A1 to A4 were arrested and are in custody. A5 was granted anticipatory bail by the Sessions Court, Tirunelveli, and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the alleged disputed Life Certificate was issued by A5, who is said to have forged the signature of the defacto complainant, was also granted anticipatory bail by the Sessions Court, this Court is inclined to grant bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders, for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial and the petitioners shall co-operate with the investigation by the respondent police.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

sd/-

04/07/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.25820

ORDER IN
CRL OP(MD) No.8200 of 2017
Date :04/07/2017