



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

Tuesday, the Eighteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.8584 & 8592 of 2017

I.MUTHURAJ

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD) No.8584 of 2017

ALBERT JOHNSON

... PETITIONER / ACCUSED NO.4
IN CRL OP(MD) No.8592 of 2017

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
PATHAMADAI, TIRUNELVELI DISTRICT,
CR NO. 81/2017.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.S.S.THESIGAN Advocate IN BOTH PETITIONS

For Respondent : MR.A.RAMAR Additional Public Prosecutor
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners / accused, who were arrested for the offences punishable under Sections 465, 468, 471, 472, 473 and 420 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 is the owner of the land and he has executed a power of attorney in favour of A2, who in turn divided the said land into plots. While selling each plots, A2 has to produce live certificate of A1. For getting live certificate of A1, he approached A3 and A4, who in turn approached A5. However, A5 has given live certificate of A1, by forging the signature of the de facto complainant and his seal. Hence, the de facto complainant preferred the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that A2 and A3 were granted anticipatory bail by this Court on 04.07.2017 in Crl.O.P.(MD)No.8200 of 2017 and A5 was granted anticipatory bail by the learned Principal Sessions Court, Tirunelveli in Crl.M.P.No.2757 of 2017 on 22.06.2017. He also submitted that the alleged offence said to have been taken place on 20.02.2017 and the same was reported only on 17.06.2017.



4.The learned Additional Public Prosecutor submitted that the petitioners are arrayed as A1 and A4 in this case and all the accused have fraudulently created the live certificate of A1 and thereby committed the said offence. He also submitted the investigation is still pending.

5.It is not in dispute that the offence is based on records. It is in dispute that the signature and the seal found in the live certificate of A1 do not belong to the de facto complainant. Hence, considering the facts and circumstances of the case and considering the fact that co-accused were granted anticipatory bail by this Court as well as by the Sessions Court and also the period incarceration of the petitioner, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i)the petitioners shall execute 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 Judicial Magistrate, Cheranmahadevi;

(ii)the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 petitioners released on bail by the 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/-

18/07/2017

/ TRUE COPY /

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 PRISON, PALAYAMKOTTAI.
- 4 THE SUB INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION, PATHAMADAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.S.S.THESIGAN Advocate SR.Nos.26753 & 26754

ORDER IN

CRL OP(MD) Nos.8584 & 8592 of 2017

Date :18/07/2017