



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.570 of 2018

1 MARIYA

2 JI JU MATHEW

... PETITIONERS / ACCUSED 1,2

Vs

THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION
SIVAGANGAI DISTRICT.
IN CR. NO.334/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.K.KANNAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

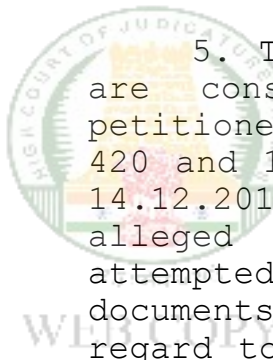
ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 14.12.2017 for the alleged offences punishable under Sections 177, 465, 468, 417, 419, 420 and 120-B of IPC., in Crime No.334 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.12.2017, the petitioners approached the Village Administrative Officer, North Ilayankudi Group, Ilayankudi Taluk, for getting nativity certificate for them. At the time of verification, it was found that the petitioners were trying to get nativity certificate by disclosing false names. Thereafter, the Village Administrative Officer lodged a complaint before the respondent police, A3 ran away from the occurrence spot. Hence, the present case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 14.12.2017.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioners were trying to get nativity certificate by showing forged voter ID cards and investigation is still pending.

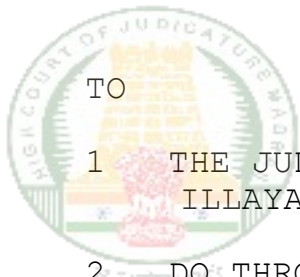


5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence under Sections 177, 465, 468, 417, 419, 420 and 120-B of IPC. The petitioners are in judicial custody from 14.12.2017. In the case registered by the respondent police, it is alleged that during the time of occurrence, the petitioners attempted to get nativity certificate by submitting some bogus documents. According to the prosecution, the investigation with regard to the commission of offence is not completed. Considering the period of detention, further custodial interrogation is not necessary for completing the investigation. Therefore the petitioners are entitled for bail. Hence, this Court is inclined to grant bail to the petitioners with certain conditions. 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.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ilayangudi and among the two sureties, one surety must be a native of Sivagangai District;
- (ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) 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 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].

sd/-
12/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ILLAYANGUDI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

+1. CC to MR.K.K.KANNAN Advocate SR.No.668

JAM/12/01/2018/RR/ SAR 1 / 3P-7C

ORDER

IN

CRL OP (MD) No.570 of 2018

Date :12/01/2018