



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21135 of 2018

P.BALAKRISHNAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.192/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.RAJARAMAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 02.11.2018 for the offences punishable under Sections 420, 468, 471 and 473 IPC, in Crime No.192 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is an agriculturist and Adangal in his name has been submitted to the Primary Agricultural Co-operative Society seeking crop loan. On 29.10.2018, the defacto complainant who is the Village Administrative Officer gave a complaint before the respondent police stating that the Executive Officer of Primary Agricultural Co-operative Society gave the Adangal extract of the petitioner's land for verification and found that in the Adangal, the petitioner has fabricated the signature and the seal which is not the office of the VAO. Hence, he was arrested and remanded to the judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that admittedly, based on the forged Adangal, no loan has been disbursed and it is only an attempt.

4. The learned Additional Public Prosecutor for the respondent submitted that investigation is pending.



5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to 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, Musiri and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, MUSIRI.
4. THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.RAJARAMAN Advocate SR.No.22327

ORDER

IN

CRL OP(MD) No.21135 of 2018

Date :29/11/2018

MS/VR-MMS/SAR-1/29.11.2018/2P.7C