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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7151 of 2019

RAMANATHAN, ... PETITIONER / ACCUSED-5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
(CRIME NO.4 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RAVI Advocate

For Respondent : MR.A.ROBINSON,
Govt. Advocate (Crl. Side)

For Intervenor : MR.K.RAJESWARAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.5 who was arrested and remanded to judicial custody on 26.04.2019 for the offences punishable under Sections 120(B), 468, 471 and 420 IPC in Crime No.04 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.S.Ravi, learned Counsel for the petitioner and Mr.A.Robinson, Government Advocate (Crl., side) appearing for the State.

3.The case of the prosecution is that the *de facto* complainant and his three brothers enjoyed the property purchased by his father during his life time. While so, the first accused had the property registered in his name by forging the Aadhar Card of the *de facto* complainant's father. Thereafter, the second accused, as a registered power of attorney of the first accused, sold the property to the third accused. Based on the said sale, the third accused again sold the same to the second accused after transferring the

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patta in his name. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 26.04.2019 and he is languishing in the jail for more than 15 days. He also submitted that the name of the petitioner has not been mentioned in the FIR and he has been implicated as an accused in this case based on the confession statement made by the co-accused. Even at the time of arrest no materials have been recovered from the petitioner. The only allegation against the petitioner is that he has facilitated the other accused to register the forged document and alleged to have made a bogus Aadhar Card colluding with other accused. As on date, the respondent police has not recovered any material to show that in what manner the Aadhar Card has been prepared.

5.The learned Additional Public Prosecutor submitted that the substantial portion of the investigation has been completed.

6. Considering the facts and circumstances of the case that the petitioner is implicated through the confession statement of the co-accused and there is no material recovered from him in connection with the case and taking into consideration of the fact that a substantial portion of the investigation is completed and also the fact that the petitioner has already suffered incarceration for more than 15 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police daily twice at 10:30 a.m., and 04.30 p.m., until further orders;

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

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC *and*

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by

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the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].**

sd/-
16/05/2019

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

TO

1.THE JUDIICIAL MAGISTRATE NO.II,
SIVAGANGAI

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.

4.THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.S.RAVI, Advocate (SR-8557[I] dated 16/05/2019)

+1 CC to MR.K.RAJESHWARAN, Advocate (SR-8623[I] dated 17/05/2019)

ORDER
IN
CRL OP(MD) No.7151 of 2019
Date :16/05/2019

AE/VR/SAR-II (17.05.2019) 4P 8C

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