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CRL OP(MD). No.10614 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10614 of 2019

S.Balakrishnan

... Petitioner/Accused No.5

Vs

State through
The Inspector of Police,
District Crime Branch,
Tuticorin District.
Crime No. 1/2019.

... Respondent/Complainant

M.Sundaravel

...Petitioner/Intervener

For Petitioner : M/s.Ka.Raamakrishnan, Advocate.
For Respondent : Nr.V.Neelakandan,
Additional Public Prosecutor
For Intervenor : Mr.A.Thiruvadi Kumar, Advocate.

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

PRAYER :-

For Bail in Crime No. 1 of 2019 on the file of the Respondent Police.

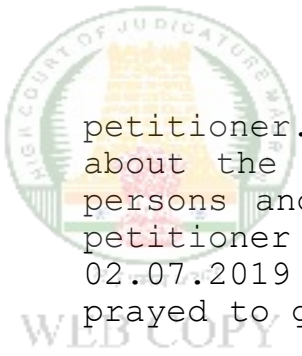
ORDER : The Court Made the following order :-

The petition has been filed by Accused No.5 seeking bail for the alleged offence punishable under Sections 120 B, 420, 468 and 471 of IPC, in Crime No.1 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, the petitioner is one of the attestors of the power of attorney said to have been executed by the accused Nos.3 & 4 infavour of the defacto complainant and apart from the said allegation, no other allegation has been made against the

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petitioner. He further submitted that the petitioner does not know about the transactions which took place between the other accused persons and the defacto complainant. He further submitted that the petitioner was arrested and remanded to judicial custody on 02.07.2019 and from that date onwards he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned counsel for the Intervenor/defacto complainant appearing for the defacto complainant has submitted that the petitioner along with other accused persons criminally conspired and in pursuance of the said criminal conspiracy, A3 & A4 executed a false power of attorney infavour of the defacto complainant stating that they are real owners of the said properties and in the said document, the petitioner also signed as one of the witnesses and also, got benefits over the said transaction. He further submitted that in pursuance of the said transactions, the defacto complainant has paid Rs.30 lakhs and hence, he strongly opposed this petition.

5.The learned Additional Public Prosecutor has adopted the arguments advanced by the learned counsel for the Intervenor and also he opposed this petition.

6.Taking into consideration of the fact that the only allegation made against the petitioner in the FIR is that he is one of the attostors of the power of attorney, executed by the accused Nos.3 & 4 infavour of the defacto complainant and also the fact that the petitioner is in custody for the past 36 days, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is ordered to be released on bail on their 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-III, Tuticorin, Tuticorin District.

[b]the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

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

[e]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].



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

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sd/-
06/08/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE No.III
TUTICORIN, TUTICORIN DISTRICT
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI,
TUTICORIN DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KA.RAAMA KRISHNAN, Advocate (SR-12941[I] dated
06/08/2019)

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-12964[I] dated
06/08/2019)

ORDER
IN
CRL OP(MD) No.10614 of 2019
Date :06/08/2019

TK/VR/SAR.1/06.08.2019/3P/8C