

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13295 of 2020

Ramasamy

... Petitioner

Vs.

The State Rep. by  
Inspector of Police,  
District Crime Branch,  
Erode District.  
Crime No.4 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.4 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.07.2020 for the offences punishable under Section 420, 467, 468 and 471 IPC in Crime No.04 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant, the Village Administrative Officer is that the petitioner has fabricated possession certificate in the name of one Karuppa Gounder and based on the certificate, he executed a settlement deed in favour of his son, namely, Thirumoorthy in D.No.2748 of 2020, dated 17.07.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that this is the second bail application and the earlier bail application in Crl.O.P.No.12378 of 2020 has been dismissed on 18.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had issued a false certificate by using duplicate Government seal and forged signature and received Rs.6,000/- for the same and the earlier bail application in Crl.O.P.No.12378 of 2020 has been dismissed on 18.08.2020.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner from 21.07.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.II, Erode within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

31/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned  
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, ERODE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
ERODE DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges

CRL OP.13295/2020

Date :31/08/2020

RVR 10/09/2020

WEB COPY