

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16603 of 2020

Deivasigamani

... Petitioner/1st Accused

Vs.

The State represented by, ... Respondent/Complainant

The Inspector of Police,
District Crime Branch, Erode,
Erode District.

(Crime No.6 of 2020)

Prayer: Criminal Original Petition filed under Sec.439 Cr.P.C. to enlarge the petitioner on bail in Crime No.6 of 2020, on the file of the respondent police.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Sections 120 (b), 420, 468 and 471 of IPC in Crime No. 6 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Balamurali, who is a Chief Education Officer, Erode, is that on 03.09.2020, one Santhose had approached the office of the defacto complainant with an appointment order in Na.Ka.No.7986/E1/2020, dated 01.09.2020 as if he has been appointed as Office Assistant in Erode Railway Colony Township Higher Secondary School. On entertaining a doubt regarding the appointment order, an enquiry was conducted and during the course of enquiry it was found that the appointment order was fabricated one and that the petitioner/A1 along with one Saravanan/A2 had fabricated the appointment order and demanded an amount of Rs.7,00,000/- from one Santhose for getting

appointment order and the accused had told that Rs.2,00,000/- should be paid after getting appointment order and balance amount Rs.5,00,000/- should be paid at later. Therefore, as per the complaint given by the defacto complainant, the petitioner was arrested.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to rivalry. He would submit that the petitioner is running a School in the name of Sri Jayam Namakkal Matriculation at Vellore and there are more than 1,500 students studying in his school. He would further submit that the petitioner was arrested on 22.09.2020 and nothing has been recovered from him and that custodial interrogation of the petitioner may not be required. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with one Saravanan had demanded an amount of Rs.7,00,000/- from the one Santhosh for getting appointment order as Office Assistant and on entertaining a doubt regarding the appointment order by the defacto complainant, an enquiry was conducted and during the course of enquiry, it was found that the appointment order is a fabricated one. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5 Heard the learned counsel and perused FIR.

6 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 22.09.2020, 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 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 No.II, Erode and on further conditions that:

(b) 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;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., until further orders.

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

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

(f) 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.

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

-sd/-
28/10/2020

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 CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE, ERODE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to MR.V.ELANGO VAN, Advocate on payment of necessary charges SR.NO.7089

CRL OP.16603/2020

Date :28/10/2020

TA-29/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>