

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17500 of 2020

M.Vignesh

... Petitioner

Vs.

State Rep by its

The Inspector of Police, (CRIME)

T.4 Madhuravoyal Police Station,

Chennai-600 095

(Crime No.1422 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.1422 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.J.J.R.Edwin

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.09.2020 for the offence punishable under Sections 465, 468, 471 of IPC, in Crime No.1422 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant P.Rajesh is that the accused by misusing his Aadhaar and other identity cards, availed two wheeler loan from the bank by way of fabrication of documents and he came to know about the same when he received a notice from the bank.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since, the other accused are known to him. He would further submit that the other accused have misused the Aadhaar and other identity documents of the defacto complainant and have availed loans and that the respondent has implicated the petitioner only on suspicion. He would submit that there is no other case pending against the petitioner and he has been suffering incarceration for more than 45 dyas from 25.09.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the main accused who were working in a two wheeler company, with the help of the petitioner, fabricated the documents of the defacto complainant viz., Aadhaar, salary certificates and availed motorcycle loan. He would further submit that in a similar way, the other accused have also availed six motorcycle loans.

5. At this juncture, the learned Counsel for the petitioner would submit that co-accused in this case has been granted bail by the Principal Sessions Judge, Chennai, vide Crl.M.P.No.1238 of 2020 by order dated 08.11.2020.

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that the co-accused in this case has been granted bail by the lower Court and also considering the period of incarceration suffered by the petitioner, 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, Poonamallee, 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, on his release from prison, shall report before the 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;

(g) 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];

(h) 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/-

11/11/2020

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, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-4, MADHURAVOYAL POLICE STATION,
CHENNAI-95.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI

6 THE PRINCIPAL SESSIONS JUDGE,
CHENNAI

+2 CC to M/S.J.J.R.EDWIN Advocate on payment of necessary charges sr.7526

CRL OP.17500/2020

Date :11/11/2020

RVR 18/11/2020