



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11922 of 2020

Vijayanand @ Anand

... Petitioner/Accused No.7

Vs

The State rep.by
The Inspector of Police,
Thanjavur Land Graphing Police Station,
Thanjavur District.
Crime No.12/2020

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

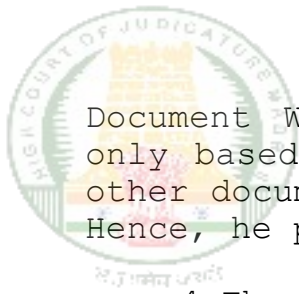
For Bail in Crime No.12 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 18.09.2020 for the offences punishable under Sections 423, 465, 466, 471 and 420 IPC in crime No.12 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons were fabricated the death certificate and Legal Heir certificate of the deceased wife of the defacto complainant and executed power of attorney in favour of A2. Hence, the complaint.

3.The learned counsel for the petitioner would submit that even according to the case of the prosecution the petitioner is a



Document Writer. The petitioner registered the power of attorney only based on the documents furnished by A1 & A2. Thereafter, no other documents have been registered in favour of any other persons. Hence, he prayed for bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that there are totally nine accused in which the petitioner is arrayed as A7. The petitioner as a Document Writer involved in the crime. A2 in this case was arrested and remanded to judicial custody and other accused are still absconding. He further submitted that investigation is still pending.

5.It is seen that there are nine accused, in which, the petitioner arrayed as A7. The petitioner is a Document Writer and he created document based on the certificates produced by A1 in favour of A2. According to the petitioner, A1 only produced all the fabricated documents and on the basis of the documents, the petitioner prepared power of attorney. Now A2 was also arrested and remanded to judicial custody.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.3, Thanjavur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned 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].



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

sd/-
28/10/2020

/ TRUE COPY /

WEB COPY

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.3
THANJAVUR DISTRICT
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 4.THE INSPECTOR OF POLICE,
THANJAVUR LAND GRAPHING POLICE STATION,
THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11922 of 2020
Date :28/10/2020

GNS
TK/VR/SAR.3/28.10.2020/3P/6C