



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12621 of 2020

1. S.Kani
2. Rama

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Bodi Town Police Station,
Theni District.
(In Crime No.2690 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Jerin Mathew,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

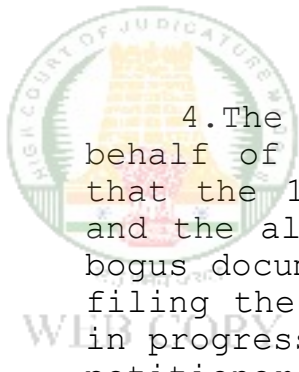
PRAYER :- For Bail in Crime No.2690 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, A1 and A2 herein were arrested on 09.10.2020 for the alleged offences under Sections 464, 465, 468, 471 r/w 109 of IPC, in Crime No.2690 of 2020, on the file of the respondent Police, seek bail.

2.The petitioners were practicing lawyers in Theni District. The first petitioner, who is a practicing Advocate, has also involved in two previous cases. The second petitioner is a junior Advocate assisting the first petitioner. The case was registered against the petitioners under Sections 464, 465, 468, 471 r/w 109 of IPC.

3.The learned counsel appearing on behalf of the petitioners is of the opinion that the petitioners had in no way connected with the offence. More specifically, it is contended that the second petitioner is a junior Advocate assisting the first petitioner and she is absolutely unconnected with the allegations set out by the



4.The learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police opposed the contention by stating that the 1st petitioner has already involved in two previous cases and the allegations are serious in nature and he has prepared many bogus documents and those documents were utilized for the purpose of filing the case before the Court of Law. However, investigation is in progress and the specific overt-act attributed against the second petitioner is not yet to be ascertained.

5.Thus this Court is inclined to grant bail only for the second petitioner and as far as the first petitioner is concerned, he has involved in two previous cases of forgery of documents and therefore, the first petitioner is not entitled to get bail.

6.In view of the facts and circumstances, the second petitioner viz., Rama alone is granted bail. As far as the first petitioner viz., S.Kani, is concerned, this petition stands dismissed.

7.Accordingly, the second petitioner is ordered to be released on bail on her 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, Bodinayakanur.

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 second petitioner shall report before the respondent police as and when required for interrogation.

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

iv) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 second petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/11/2020

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, BODINAYAKANUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION, THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12621 of 2020
Date : 09/11/2020

MS/VR/SAR-2/09.11.2020/3P.6C