



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

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13705 of 2020

Kalaivanan

... Petitioner/Accused No.4

Vs

State Rep. by
The Inspector of Police,
District Crime Branch, Ramanathapuram,
Ramanathapuram District.
(Crime No.54 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Ramesh,
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.54 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 27.09.2020 for the offences punishable under Sections 420,465, 468, 471 and 420 IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the case was registered on the basis of complaint given by the Chief Education Officer of Ramanathapuram District against one D.Rajesh stating that he joined duty as Junior Assistant in the Government Higher Secondary School at Sikkal in Ramanathapuram District on 23.09.2020. But on verifying the authenticity of the said document it was found to be forged. On the basis of the said complaint a case in Crime No.54 of 2020 was registered by the respondent and on arrest of Rajesh, his confession was recorded and based on his confession this petitioner herein was arrested and a case was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not involve any offence as alleged by the defacto complainant. He would also submit that co-accused in this case was granted anticipatory bail by this



4.The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed to grant bail to the petitioner on the ground stating that the knowing the fact that it is a fake appointment order the petitioner herein joined service. He would also submit that co-accused in this case was granted bail by this Court.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that co-accused in this case was granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram

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 two weeks and thereafter as and when required for interrogation.

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/-
01/12/2020

/ TRUE 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13705 of 2020
Date :01/12/2020

aav
JM/PN/SAR II/01.12.2020/3P/6C