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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.OP.No.14471 of 2021

1. Palanisamy
2. Premkumar

... Petitioners

Vs.

State rep by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
Crime No.1081 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No. 1081 of 2021 on the file of the respondent police.

For Petitioner : Mr.J. Franklin

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioners who was arrested and remanded to judicial custody from 14.07.2021 for the offence punishable under Sections 381,468,420 r/w 511 of I.P.C in Cr.No. 1081 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as Assistant in the Aanamalai Tiger Reserve at Udumalai, Tiruppur District and he is responsible for the cheques signed from the Deputy Director. While so the petitioners clandestinely removed a cheque leaf from the book of the Deputy Director of Forest Office and attempted to withdraw money using forged signature. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the defacto complainant is an temporary employee and he had received a sum of Rs.2,50,000/- from the 1st accused and Rs.7,50,000/- from the 2nd accused by promising to secure a job. Thereafter, he failed to secure job and not returned the money and a false case has been foisted against the petitioners. He further submits that petitioners



are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 14.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners attempted to withdraw money by putting a forged signature. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that with regard to Premkumar/second petitioner has been granted bail in Crl.O.P.15056 of 2021 this petition is dismissed with regard to the Premkumar/second petitioner and with regard to first petitioner/Palanisamy, considering the period of incarceration suffered by the first petitioner/Palanisamy, this Court is inclined to grant bail with certain conditions.

6. Accordingly, the first petitioner/Palanisamy 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.1, Udumalpet, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



7. In view of the above, this Court directs the Deputy Director of Forest, Pollachi to conduct and inquire as to whether, the defacto complainant received any money from the petitioners or not.

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-sd/-

31/08/2021

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.I, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. (FOR INFORMATION)

3 INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE DEPUTY DIRECTOR
OF FOREST, POLLACHI

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges
Sr.9333

CRL OP.14471/2021

Date :31/08/2021

RVR 02/09/2021