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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.16606 of 2021

Senthilkumar @ Kattapomman

... Petitioner

Vs.

State rep.by
The Station House Officer,
Town Police Station,
Karaikkal.
Crime No.144 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 connection with the case in Cr.No.144 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Ms.P.J.Anitha

For Respondent : Mr.D.Bharath Chakravarthy
Public Prosecutor (P)

ORDER

The petitioner, who was arrested on 05.08.2021 and remanded to judicial custody for the offences under Section 419, 468, 471 of IPC read with Section 34 of IPC and Section 420 read with Section 511 of IPC in Cr.No.144 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have facilitated the other accused to encumber the defacto complainant's property. However, the said act was suspected by the Sub-Registrar Office and thereafter, the complaint came to be lodged by the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and he is in jail from 05.08.2021. The learned counsel further submitted that the



petitioner's name was not found in the FIR and that the allegation against the petitioner is that he facilitated the other accused to encumber the property owned by the defacto complainant and further submitted that the document was not registered and only attempt was made. Earlier occasion, the petitioner filed a petition for bail before this Court and the same was dismissed on 25.08.2021 on the ground that there are three previous cases pending against the petitioner. The learned counsel further submitted that originally, there are six previous cases pending against the petitioner, in which, one case is similar in nature in Cr. No.125 of 2015. In the above said crime, co-accused/A2 has already been granted bail by this Court in Crl.OP.No.15106 of 2021 dated 26.08.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Public Prosecutor submitted that there are six previous cases pending against the petitioner. Out of which, two cases were closed. Out of four cases, only one case is similar in nature and co-accused has already released on bail by this Court.

5. Considering the period of incarceration suffered by the petitioner and co-accused has already been enlarged on bail by this Court, I am inclined to grant bail to the petitioner subject to the following 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Karaikal 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 petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(d) the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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-sd/-
09/09/2021

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.II, KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PONDICHERRY.

5 THE STATION HOUSE OFFICER,
TOWN POLICE STATION,
KARAIKAL.

CC to M/S.P.J.ANITHA Advocate on payment of necessary charges

CRL OP.16606/2021

Date :09/09/2021

RW 09/09/2021