



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21026 of 2021

D.Muthuraman

.. Petitioner/Accused
rank not known

/versus/

State rep.by
Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.1199 of 2021

..Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner/accused on bail in Crime No.1199 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Anand

For Respondent : Mr.N.S.Suganthan, GA

O R D E R

(The case has been heard through video conference)

The petitioner, who is arrayed as A6, was arrested and remanded to judicial custody on 06.10.2021 for the offences under Sections 259, 260, 468, 471, 474 and 420 of IPC, in Crime No.1199 of 2021, on the file of the respondent police and seeks bail.

2. The case of the prosecution is that totally six accused are involved in this case. The petitioner is arrayed as A6. The petitioner is involved in preparing the stamp paper making it to use as a fake court fee, thereby making revenue loss to the Government Exchequer. Hence, this complaint has been lodged by the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that based on the confession of the first accused, the petitioner was arrested and remanded and he aged about 58 years is in the judicial custody for the past 32 days. He would also submit that the petitioner is a



Government Contractor for destroying waste paper materials and he is doing his business for the past four decades without any adverse remarks and there is no previous case against him and if the petitioner is released on bail, there is no possible for absconding him and he is ready to co-operate for investigation and also ready to abide by any stringent condition, that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. On the side of the prosecution, the learned Government Advocate(crl.side) raised objections stating that the investigation is still pending and since the accused is absconding, the respondent police is unable to conclude the investigation.

5. Considering the fact that the main accused/A1 has already been released on bail by the lower Court and taking note of the fact that there is no previous case is pending against the petitioner and the petitioner is an aged person and he has been suffering incarceration for a period of 32 days from 06.10.2021, 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, Dharapuram, Tiruppur District 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 shall report before the respondent police, daily at 10.30 a.m. 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 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.

WEB COPY

-sd/-

09/11/2021

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,
DHARAPURAM, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S.R.ANAND Advocate on payment of necessary charges

CRL OP.21026/2021

Date :09/11/2021

APN 08/11/2021