



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

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

Cr1.O.P.No.22132 of 2021

1.Sekar
2.Jeyaraj

... Petitioners

Vs.

The State rep. by
Inspector of Police
Dharapuram Police Station
Tiruppur District
(Crime No.1199 of 2021)

... Respondent

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

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 05.10.2021 for the offences under Sections 259, 260, 468, 471, 474 and 420 IPC in Crime No.1199 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the complaint was given by the learned Subordinate Judge, Dharapuram, based on the directions of this Court, Vigilance Cell, with respect to fake Court fee paid in MCOP Cases and the case was registered by the respondent police against the accused persons.



3. The learned counsel for the petitioners would submit that the petitioners are only waste paper merchants and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case based on the confession of A2. He would further submit that A1 has been released on bail by the Court below in Cr.M.P.No.1620 of 2021 dated 28.09.2021 and A6 and A3 have been released on bail by this Court in CrI.O.P.No.21026 of 2021 dated 09.11.2021 and CrI.P.No.20237 of 2021 dated 15.11.2021 respectively and that the petitioners have been suffering incarceration for more than 45 days from 05.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised strong objection stating that A1 with the help of other accused had filed fake Court fee stamp papers in MCOP cases and thereby, committed fraud on the Court as well as on the Government but admits that A1, A6 and A3 have been released on bail.

5. Considering the fact that some of the co-accused have been released on bail and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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, and on further conditions 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 petitioners shall report before the respondent police, on every Wednesday at 10.30 a.m. until further orders;

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

(d) the petitioners 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.

-sd/-
23/11/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.PONRAJ Advocate on payment of necessary charges
SR.NO.13255

CRL OP.22132/2021

Date :23/11/2021

JPA 23/11/2021