



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

Date : 12/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3795 of 2021

R.Chinthathirai Arockiam Selvin ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
South Police Station,
Thoothukudi.
Crime No. 530/2020.

... Respondent/Complainant

For Petitioner : Mr.Durai Pandian K.S.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Section 439 of Cr.P.C.

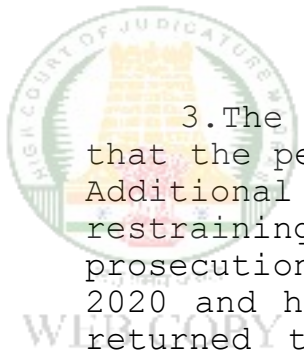
PRAYER :-

For Bail in Crime No. 530 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 24.02.2021 for the offence under Sections 420, 465, 466 and 468 of IPC, in Crime No.530 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner has filed a suit in O.S.No.38 of 2020 before the civil Court and subsequently on 06.07.2020 the accused had forged a postal cover by giving I.A.No. himself and sent the same to the defendant of the suit, as if the Additional District Munsif Court, Thoothukudi has sent the same to the defendant. But the said postal cover was returned with an endorsement as refused thereby, cheated the Court below. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner had filed a suit in O.S.No.38 of 2020 before the Additional District Munsif Court, Thoothukudi seeking for restraining his neighbour to put up a wall. According to the prosecution, the petitioner had himself had assigned I.A.No.1 of 2020 and had sent the same to the defendant and the same has been returned to the Court. On verification, it was found that the forgery had been committed in the name of the Court, without no such IA was filed before the Court the petitioner had committed forgery by using the Court name. Hence, the complaint came to be registered.

4.The learned counsel appearing for the petitioner further submitted that the petitioner had not committed the alleged occurrence and wrongly advised to indulge in such acts. In fact, the original suit filed in O.S.No.38 of 2020, which is genuine one.

5.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the complaint has been received from the Head Clerk at Additional District Munsif Court, Thoothukudi. Thereafter, the petitioner has been arrested and remanded to judicial custody on 24.02.2021. He further submitted that the investigation is at initial stage and the person, who had given such illegal advice to the petitioner, has to be ascertained and the petitioner has been committed forgery in the name of the Court. Hence, he strongly opposed this petition.

6.In view of the same, the investigation is at initial stage, hence, this Court is not inclined to grant bail to the petitioner.

7.At this juncture, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition.

8.In view of the same, this Criminal Original Petition stands dismissed as withdrawn.

sd/-
12/03/2021

/ TRUE COPY /

/ /2021

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.



TO

1. THE OFFICER INCHARGE,
DISTRICT JAIL,
PERURANI, THOOTHUKUDI DISTRICT.
2. THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3795 of 2021
Date :12/03/2021

VSG
SRS/JC/25.03.2021/3P/4C