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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4264 of 2021

M.Arumugam

... Petitioner/Accused No.7

Vs

The State rep.by,
The Inspector of Police,
K.K.Nagar Police Station(Crime),
Trichy City,
Crime No.190 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

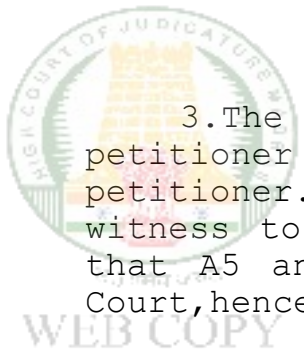
PRAYER :-

For Bail in Crime No.190 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 22.02.2021 for the offences punishable under Sections 120(B), 419,465,471 and 420 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused alleged to have attempted to register the forged document by impersonation. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the petitioner is only a witness to the power of attorney document. He would also submit that A5 and A6 in this case were released on bail by the lower Court,hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that there are totally seven accused in this case and the petitioner herein is arrayed as A7. He would also submit that the petitioner along with other accused alleged to have attempted to register the forged document by impersonation.

5. It is seen that the Sub Registrar, K. Sathannor had lodged a complaint stating that while she was scrutinizing the documents produced before her she found all the documents given to her were forged and thereafter A1 and A2 was questioned. Sensing trouble A1 and A2 escaped from the register officer. A3 to A7 were produced before the Magistrate along with the complaint. The petitioner herein stood as witness to the power of attorney along with A6/Parthiban. Similarly placed accused namely A5 and A6 in this case were released on bail by the lower Court.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration,this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 No.II, Tiruchirapalli.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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 were breached 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 JUDICIAL MAGISTRATE NO.II,
TIRUCHIRAPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
- 3 THE INSPECTOR OF POLICE
K.K.NAGAR POLICE STATION (CRIME),
TRICHY CITY.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4264 of 2021
Date :23/03/2021

NR/PN/SAR-IV(23.03.2021) 3P:6C