



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4919 of 2021

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

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

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

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

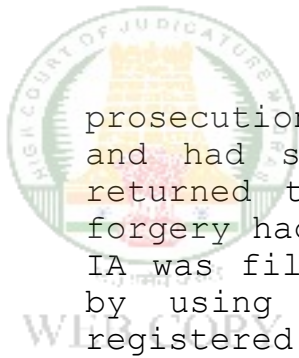
PRAYER :- For Bail in Crime No.530 of 2020 on the file of the respondent police.

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 ~~reversing his~~ neighbour to put up a wall. According to the



prosecution, the petitioner 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 (Crl. 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.On perusal of the materials available on records, it is seen that the petitioner has filed a suit in O.S.No.38 of 2020 before the civil Court on 06.07.2020 and the petitioner had sent postal cover by giving I.A.No. Himself to the respondent Police as though it has been sent from the court. Since the postal cover has been returned to the Court, it came to the knowledge of the Court. Except this complaint, there is no other similar complaint pending against the petitioner.

7.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:

8.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.I, Thoothukudi.

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 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].

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

sd/-

31/03/2021

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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 JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3 CC to M/s.M.MURUGESAN, Advocate (SR-2767[I] dated 31/03/2021)

ORDER IN

CRL OP(MD) No.4919 of 2021

Date : 31/03/2021

VSG

MS/PN/SAR-3/31.03.2021/3P.9C

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