



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

Date : 18/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).No.7783 of 2021

Raju @ Vairam

... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Aundipatti Police Station,
Theni District.
Crime No. 166 of 2019.

... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkkaravarthy,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.166 of 2019 on the file of the Respondent Police.

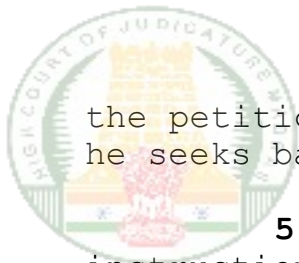
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 18.04.2021 for the offence punishable under Sections 465, 468, 471, 417 and 420 of IPC in Crime No.166 of 2019 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police.

3.The case of the prosecution is that the petitioner and other accused forged 300 pattas and sold the same to various persons in Andipatti Village. Hence, the complaint.

4.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He would further submit that



the petitioner is in judicial custody from 18.04.2021 and therefore, he seeks bail.

5.The learned Government Advocate (Crl.Side), on instructions, submitted that this is the second bail petition and further submitted that the petitioner and other accused forged 300 pattas and sold the same to various persons in Andipatti Village. He further submitted that the petitioner was absconding for the past two years and also he has one previous case. Therefore, he opposes this petition.

6.Considering the above facts and the period of incarceration and also the fact that investigation is almost completed as stated by the learned Government Advocate and considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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, Aundipatti.

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 on every Monday at. 10.30 a.m., for a period of two months and thereafter as and when required.

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 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].



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

sd/-
18/06/2021

/ TRUE COPY /

WEB 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 JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.
 2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.
 4. THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- + 1 CC TO Mr.S.J.Chakkaravarthy, ADVOCATE IN SR No. 19688

ORDER
IN
CRL OP(MD) No.7783 of 2021
Date :18/06/2021

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AE/PN/SAR-1/18.06.2021/3P/7C