



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7761 of 2021

Athimoolam

... Petitioner/Accused No.1

Vs

State Rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.
In Crime No.7 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Senthil Kumar,
Advocate.

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

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

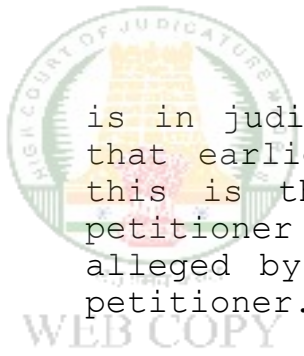
PRAYER :-For Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 14.04.2021 for the offences punishable under Sections 120B, 406, 419, 420, 465, 468, 471 and 467 I.P.C and Section 82(c) of Registration Act, in Crime No.7 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner executed a power deed dated 19.09.2014 in Document No.2151 of 2014 in favour of one Vijayakumar, who was arrayed as the third accused in this case, in respect of the land in Survey No.78/2, measuring to an extent of 2 acre 64 cents at Periyasrirampoor Village, Aanmaiperukki Group, Thiruchuli Sub Registration District, Virudhunagar District which is actually owned by the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a typographical error with regard to the survey numbers of the property. He further submitted that the petitioner is an agriculturist and he is the sole bread winner of the family and he



is in judicial custody for the past 65 days. He further submitted that earlier two bail petitions were dismissed by this Court and this is the third bail petition. He further submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that totally there are five accused in this case. The petitioner is arrayed as Accused No.1. Accused Nos.4 and 5 are absconding. He further submitted that so far seven witnesses were examined and there is no change in circumstance. Therefore, he strongly opposes to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that so far seven witnesses were examined and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar.

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

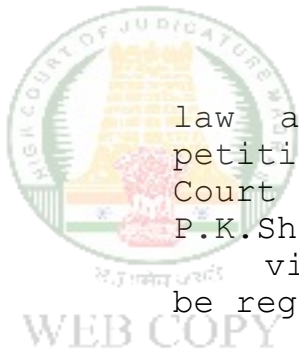
(ii) the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iii)the petitioner shall report before the respondent police as and when required for interrogation.

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

v)the petitioner shall not abscond during trial.

vi)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].

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

sd/-

17/06/2021

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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.II, VIRUDHUNAGAR.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9

ORDER

IN

CRL OP(MD) No.7761 of 2021

Date :17/06/2021

MSA

PK/PN/SAR-IV/17.06.2021 : 3P/7C