



Crl.O.P.No.16398 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16398 of 2022

Dinakaran

...Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch, Vellore,
Vellore District.
Crime No.5 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.5 of 2022 pending
investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 10.06.2022 for the offences punishable under Sections 465, 466, 468, 471, 420 of IPC and Section 91 of the Rights of Persons with Disabilities Act in crime No.5 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, there are 9 accused involved in this case. It is alleged that the petitioner along with other accused created forged disability certificate for claiming benefits under the government schemes. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that that the petitioner is a deaf person. That apart, the petitioner has been suffering incarceration from 10.06.2022. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner received disability certificate to the tune of 40% and received a cash for a sum of Rs.5,000/- and thereby produced fake and fabricated disabled certificate. However, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 10.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Vellore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.07.2022

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1. Judicial Magistrate No.I,
Vellore.
- 2.The Inspector of Police,
District Crime Branch, Vellore,
Vellore District.
3. Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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