



WEB COPY



Crl.O.P.No.17488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

Crl.O.P.No.17488 of 2022

Duraisamy

...Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Erode.
Crime No.01 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.01 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

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

For Intervenor : Mr.A.Saravanan



Crl.O.P.No.17488 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2022 for the offences punishable under Sections **120B, 420, 467, 468, 471, 472, 474, 109 of I.P.C** in Crime No.1 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner/A1 along with A2 to A4 cheated the defacto complainant by creating forged Court decree and forged death certificate, wherein A2 and A3 created a settlement deed in favour of A4, who it turn executed settlement deed in favour of A1 and the registered the same before the Sub Registrar Office, Sivagiri and registered 7 items of properties measuring nearly to an extent of 12 acres of land including the properties situated at Coimbatore District. Hence, the case.

3. The learned counsel appearing for the intervenor would submit that on the basis of the forged degree, the petitioner had filed a suit in O.S.No.531 of 2022. Hence, he opposed for granting bail to the petitioner.



Crl.O.P.No.17488 of 2022

WEB COPY

4.The learned counsel appearing for the petitioner would submit that, in the meanwhile, the petitioner had withdrawn the above said O.S.No.531 of 2022 before the IV Additional District Judge at Coimbatore. Hence, he prayed for granting bail to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondent raised objection stating that this is the third bail petition filed by the petitioner. Already this Court dismissed the petitioner's bail petition in Crl.O.P.No.14758 of 2022 on 29.06.2022 and in Crl.O.P.No.16042 of 2022 on 11.07.2022. Hence, he opposed for granting bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 01.06.2022, this Court is inclined to grant bail to the petitioner.



Crl.O.P.No.17488 of 2022

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Erode** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb 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 twice daily at 10.30.a.m., and 04.30.p.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



Crl.O.P.No.17488 of 2022

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.

26.07.2022

sma

To

1. Judicial Magistrate No.II,
Erode.
2. The Inspector of Police,
District Crime Branch,
Erode.
3. Sub Jail,
Erode.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.17488 of 2022

G.K.ILANTHIRAIYAN, J.

sma

Crl.O.P.No.17488 of 2022

26.07.2022