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Crl.O.P.No.21162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21162 of 2022

Baskar

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
Crime No.319 of 2022

2. The Inspector of Police,
District Crime Branch,
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.319 of 2022 pending on
the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj for
Mr.P.Muthamizhselvakumar

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2022 for the offences punishable under Section 120(B), 419, 468 and 471 of I.P.C., in Crime No.319 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that pursuant to the conspiracy between A1 to A3, A1 impersonated as A3 and had written the examination conducted by Tamil Nadu Open University on 13.08.2022. Hence, the complaint.

3. Mr.R.C.Paul Kanagaraj, the learned counsel appearing for the petitioner would submit that the petitioner is the Thiruvarur District President of the BJP party and the petitioner has been trapped into a false complaint due to intra party disputes among its members. He would also submit that A2 is a person running a Tutorial and he had arranged A1 to sit for the examination in order to fix the petitioner. He would further submit that admittedly, there are totally 5 papers during this year and the petitioner



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has not appeared for all the 4 papers. If the petitioner has to impersonate A2, he has to impersonate him to appear in all the 4 examinations and not only in this paper alone. He would further submit that A1 is a person working in a Biriyani shop and he has been fixed by A2. He would also state that the case of the prosecution is based on documentary evidence and the petitioner was taken into police custody and that there is no requirement for the petitioner to be in custody any further. He would also submit that the entire case of the prosecution is borne out by documents and the petitioner is also ready and willing to furnish sample signatures and handwriting for the purpose of investigation and he is prepared to appear before the Magistrate for furnishing his sample signatures and handwriting. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused conspired and had engaged A1 to sit for the examination on his behalf and the other accused are also arrested and they are also in custody. He would also submit that the investigation in respect of the previous year examination



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is also pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and also the undertaking given by the petitioner that he is prepared to furnish sample signatures and handwriting before the Magistrate, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruvarur** and on further conditions that:



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[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 daily at 10.30 a.m., until further orders and the petitioner, on a date fixed by the respondent police, shall appear before the learned Magistrate and furnish his sample signatures and handwriting in accordance with the procedures;

[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]**;



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A.D.JAGADISH CHANDIRA., J.

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

13.09.2022

rgi

To

1. The Judicial Magistrate,
Thiruvarur.
2. The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
3. The Inspector of Police,
District Crime Branch,
Thiruvarur District.
4. The Superintendent,
Sub Prison,
Nannilam.
5. The Public Prosecutor,
High Court of Madras.

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