



Crl.O.P.No.22554 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

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

Crl.O.P.No.22554 of 2022

1. Dhivagar

2. Ramesh Kumar (Orbit Ramesh)

... Petitioners

Vs.

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

... Respondent

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

For Petitioners : Mr.S.Suresh

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



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ORDER

The petitioners, who were 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, seek bail.

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

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and the false complaint has been given as against them, since they belong to the political party, which is opposing the ruling party. He would also submit that the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.21162 of 2022 dated 13.09.2022. He would also state that the case of the prosecution is based on documentary evidence and the petitioners were taken into police custody on



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14.08.2022 and that there is no requirement for the petitioners to be in custody any further. He would also submit that the entire case of the prosecution is borne out by records and the petitioners are also ready and willing to furnish their sample signatures and handwriting for the purpose of investigation and they are prepared to appear before the Magistrate for furnishing their sample signatures and handwriting. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners conspired along with the other accused had engaged the first petitioner/A1 to sit for the examination on behalf of A3. He would further submit that the accused were arrested on 14.08.2022 and one of the accused was released on bail. He would also submit that there is one previous case as against the first petitioner in Crime No.204 of 2019 for the offence under Sections 294(b), 324, 321 & 506(ii) of IPC and in respect of the second petitioner, a case in Crime No.95 of 2019 is pending trial for the offence under Sections 294(b), 506(ii) & 420 of IPC. He would further state that the investigation in respect of the previous year



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

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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



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

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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**



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5560];

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

21.09.2022

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To

1. The Judicial Magistrate,
Thiruvarur.
2. The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
3. The Sub Jail,
Nannilam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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