



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

RESERVED ON : 21/03/2022
PRONOUNCED ON: .28/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4777 of 2022

Praveen ... Petitioner/Accused No.4

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Karur.
Cr.No.6 of 2022..

... Respondent/Complainant

For Petitioner : Mr.V.R.Shanmuganathan, Advocate for
M/s.Niresh Kumar R, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor

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

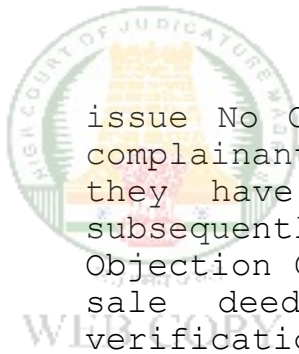
PRAYER :-

For Bail in Crime No.6 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 12.02.2022, for the offences punishable under Sections 420, 465, 466, 467, 468, 471, 294(b) and 506(ii) I.P.C., in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in an unapproved lay out in the name of Subbu Garden was formed in S.F.No.517/B1, 517/B2, 517/D1 and 517/D3 along with other survey numbers, that there were 16 plots in the said lay-out, that the State Government has issued Government Orders in the year 2017 for regularisation of the unapproved lay-outs imposing a specific condition that the approval to the plots should be given only if those plots were sold before 20.10.2016, that after selling of some plots, 5 plots had remained unsold and as such, they were not eligible to get No Objection Certificate, as those plots were not sold before 20.10.2016, that the accused had approached the defacto complainant who was then working as Junior Assistant in Punjai Pugalur Town Panchayat to



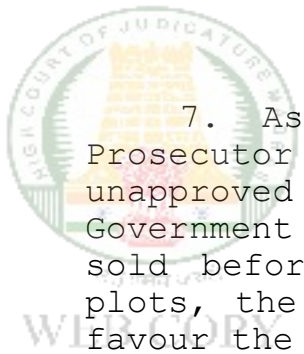
issue No Objection Certificate for unsold plots, that the defacto complainant refused to accept the request and due to that vengeance, they have transferred him to Nangavaram Town Panchayat, that subsequently, the defacto complainant came to know that the No Objection Certificates were issued to the said plots and applied for sale deeds and obtained the same through online, that on verification of records, he came to know that they have attached the fabricated proceedings as if No Objection Certificate was issued by Town Panchayat to those plots and that the defacto complainant's short sign and signature were forged.

3. The prosecution's further case is that thereafter three accused had sold 5 plots based on the fabricated No Objection Certificate, that plot No.15 was sold to the second accused Lalitha, Plot No.16 was sold to the first accused, that plot No.8 was sold to one Saroja - mother-in-law of the first accused, and that they have committed all these offences with the held of the fourth accused who is working as a Junior Assistant in the Town Panchayat.

4. The petitioner's case is that on 26.05.2020, the petitioner was working at Punjaithotakurichi Town Panchayat and he was transferred to Punjai Pugalur Town Panchayat and joined duty only 16.12.2022, that the petitioner has been roped into the case for obvious reason and oblique motive and that he is innocent and he has not committed any offence as alleged by the prosecution.

5. It is not in dispute that the first accused is the husband of the second accused. It is also not in dispute that originally on the basis of the complaint lodged by the said intervenor, F.I.R. came to be registered in Cr.No.69 2022, on 31.01.2022 against 4 persons including the petitioner for the alleged offences under Sections 147, 294(b) and 506(i) I.P.C., and that after examining some of the witnesses, the same police has altered the case to Sections 420, 465, 466, 467, 468, 471, 147, 294(b) and 506(ii) I.P.C and then transferred the case to District Crime Branch, Karur District and that thereafter, the District Crime Branch has registered a case in Cr.No.6 of 2022 on 03.02.2022 for the very same offences.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner herein who was the then Junior Assistant has given a confession statement specifically alleging that since the first accused had arranged for his transfer after getting Rs.3,00,000/-, had threatened him to give No Objection Certificate for selling the remaining plots available in Subbu garden, that the said fourth accused along with Junior Assistant - Vadevel went to the office and by using the old No Objection Certificate and also the signature of the then Executive Officer Karuppiyah, had created fresh No objection Certificate by forging his signature and that on that basis they have executed the sale deeds in the name of first accused and his relatives.



7. As rightly contended by the learned Additional Public Prosecutor appearing for the State that in the Subbu garden, unapproved lay out, 5 plots were not sold and for giving benefit of Government Orders issued in the year 2017, the plots should have been sold before 20.10.2016 and that therefore, to get the remaining plots, the petitioner, at the instance of the first accused and to favour the first accused fabricated the No Objection Certificates by forging the signatures of the then Executive Officer and only on that basis, the sale deeds were taken in favour of the first accused and his family members.

8. The learned Additional Public Prosecutor appearing for the State would submit that in the statement recorded under Section 164 Cr.P.C., the petitioner/accused has completely disowned his version given in the confession statement and that he has stated that he was working at Punjaithotakurichi Town Panchayat at the time when No Objection Certificate was issued at Punjai Pugalur Town Panchayat and that he has no connection whatever with the case on hand.

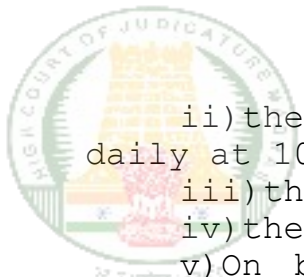
9. It is not in dispute that anticipatory bail of the first accused was already dismissed by this Court, but at the same time, the second accused-wife of the first accused was granted anticipatory bail, vide order dated 08.03.2022. As already pointed out, the petitioner was arrested on 12.02.2022 and is in judicial custody till now.

10. The learned Counsel for the petitioner would submit that the co-accused Vadivel, who is also the staff of the panchayat office has been granted bail by the Principal Sessions Court, Karur, in Crl.M.P.No.490 of 2022, dated 16.03.2022.

11. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 12.02.2022, that the co-accused was released on bail by the Principal Sessions Court and the second accused was granted anticipatory bail by this Court and also the fact that the petitioner is not having any bad antecedents as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner subject to the following conditions:

12. 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 No.I, Karur and on further conditions that;

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 shall report before the respondent Police daily at 10.30 a.m, until further orders;

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

iv)the petitioner shall not abscond during trial.

v)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]***.

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

sd/-

28/03/2022

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29/03/2022

Sub-Assistant Registrar (C.S-II)
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.I, KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KARUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.NIRESH KUMAR, Advocate (SR-2596[I] dated 29/03/2022)

ORDER

IN

CRL OP(MD) No.4777 of 2022

Date :28/03/2022

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