



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5324 of 2022

Gurunathan

... Petitioner/2nd Accused

Vs

The State rep.by
The Sub Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.38/2022.
U/s.420,466,467
468 120(b) IPC

... Respondent/Complainant

For Petitioner : M/s.GUNASEELANMUTHAIAH.J,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.38/2022 on the file of the Respondent Police.

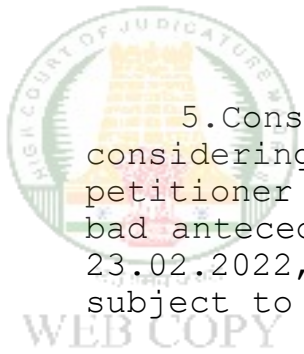
ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 23.02.2022 for the offences punishable under Sections 420, 466, 467, 468 and 120(b) IPC, in Crime No.38 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with four others had created a forged document and also expropriated the defacto complainant's property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is only a *bonafide* purchaser from the first accused, who is shown as the power agent of one Kaliappan and that the petitioner is in no way connected with the alleged fabrication of power of attorney taken by the first accused.

4.The learned Additional Public Prosecutor would submit that the property is owned by the de-facto complainant, that after the death of the said Kaliappan, the first accused has taken a power of attorney from the said Kaliappan as if he was alive on that date and that subsequently, he sold the property to the present petitioner.



5.Considering the above facts and circumstances and also considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 23.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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, Sivakasi.

(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., for a period of one month and thereafter as and when required for interrogation;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/03/2022

/ TRUE COPY /

22/03/2022
Sub-Assistant Registrar (C.S.)
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
SIVAKASI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR..

3 THE SUPERINTENDENT,
CENTRAL JAIL, VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GUNASEELANMUTHAIAH.J, Advocate SR.No.2332

ORDER

IN

CRL OP(MD) No.5324 of 2022

Date :22/03/2022

SA/VR/SAR.3/22.03.2022/3P/7C