



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

Date : 17/06/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.9899 of 2022

Alex Nirmalraj

... Petitioner/Accused No.11

Vs

The State Rep. By,  
The Inspector of Police,  
District Crime Branch,  
Thoothukudi District  
(Crime No. 9 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Anand R,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

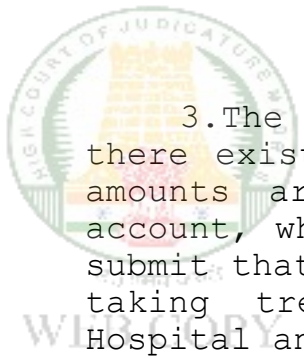
PRAYER :-

For Bail in Crime No.9 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.11, who was arrested and remanded to judicial custody on 12.04.2022 for the offences punishable under Sections 120 (B), 406, 409, 420, 467, 468, 471 and 472 of IPC, in Crime No.9 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused conspired together to cheat the TMB bank and according to their conspiracy, A5 created forged patta and other revenue records in respect of Plot No.38, 16.48 cent land in S.No.107/1A1A1A at Thoothukudi Part No.I Natham 890 and by using a forged power deed, he had executed forged settlement deed in respect of the above property in favour of his wife/A4 and subsequently, A4 executed the same in favour of A1 and thereafter, A1 mortgaged the above forged sale deed in the de-facto complainant's TMB bank and obtained loan of Rs.35,00,000/- and misappropriated the bank amount and cheated the Bank.



3.The learned counsel for the petitioner would submit that there existed business transaction between them, due to that, some amounts are transacted and the same is evident from the bank account, which is now produced before this Court. He would further submit that the petitioner is suffering from health issues and he is taking treatment as inpatient in Thoothukudi Medical College Hospital and he underwent surgery for open hernia plasty.

4.The learned Additional Public Prosecutor for the respondent police would submit that the forensic reports are yet to be received and that the co-accused were already granted anticipatory bail.

5.Considering the fact that the petitioner is in judicial custody from 12.04.2022 and also taking note of the ill-health and continuous treatment of the petitioner at the Government Hospital, 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.IV, Thoothukudi.

(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, after discharging from the hospital, 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/-

17/06/2022

/ TRUE COPY /

17/06/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.IV,  
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANAND, Advocate ( SR-5711[I] dated 17/06/2022 )

ORDER  
IN  
CRL OP(MD) No.9899 of 2022  
Date :17/06/2022

sj i  
USK/PN/SAR-I/17.06.2022/3P/7C