



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17911 of 2022

1. Karuppaiah
2. Rakkammal

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
Crime No.133/2022.

... Respondent/Complainant

For Petitioners : M/s.Murali Kumar A, Advocate
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

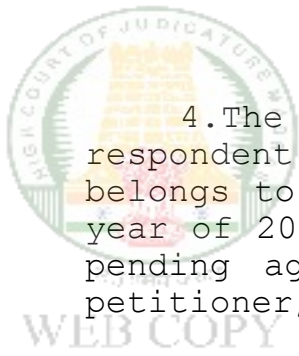
For Bail in Crime No.133/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2, who were arrested on 18.09.2022 for the offences under Sections 419, 420, 465, 467, 468, 471 and 120(b) of IPC in Cr.No.133 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that On 21.09.2015, the petitioners and other accused have conspired together and created a forged document and thereby, sold the property belongs to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the defacto complainant is the sister of the second petitioner. There is a civil dispute pending between the parties. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 18.09.2022. Hence, they may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police submitted that by impersonation, the property belongs to the defacto complainant was sold to A4 said to be in the year of 2015. He would further submit that four previous cases are pending against the first petitioner. With regard to the second petitioner, there is no previous case pending against her.

5.Considering the bad antecedents of the first petitioner, this Court is not inclined to grant bail to him and hence, this Criminal Original Petition is dismissed as far as the first petitioner is concerned.

6.In so far as the second petitioner is concerned, she is aged about 65 years and she is the sister of the defacto complainant and the fact reveals that there is a civil dispute pending between them, this Court is inclined to grant bail to the second petitioner with certain conditions.

7.Accordingly, the second petitioner is ordered to be released on bail on her 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, Karaikudi, and on further condition 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 second petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

(iii)the second petitioner shall not tamper with evidence or witness;

(iv)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.

sd/-

06/10/2022

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06/10/2022

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, 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.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.
 - 4 THE INSPECTOR OF POLICE, KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.MURALI KUMAR, Advocate (SR-10940[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17911 of 2022
Date :06/10/2022

CP
RS/VR/SAR.4(06.10.2022) 3P-7C