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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19531 of 2022

Karuppaiah

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Murali Kumar A,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

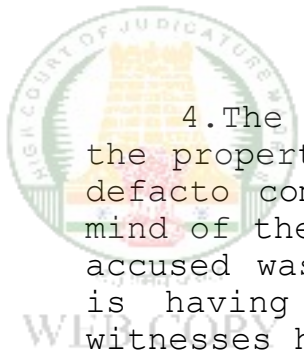
PRAYER :- For Bail in Crime No.133 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 18.09.2022 for the offences punishable under Sections 419, 420, 465, 467, 468, 471 & 120(b) of IPC, in crime No.133 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that defacto complainant is the sister of the second accused. The petitioner and the 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 petitioner would submit that the petitioner was only acted as broker and he is an innocent and he has been falsely implicated in this case. He would further submit that this is the third bail application and the earlier applications filed by the petitioner were dismissed by this Court. The overt act attributed as against the petitioner is that he acted as an agent for executing the sale. He is in judicial custody from 18.09.2022, hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (crl.side) would submit that the property was sold to A4 in the year 2015, which belongs to the defacto complainant by impersonation. The petitioner is the master mind of the entire occurrence. He would further submit that the co-accused was already released on bail by this Court. The petitioner is having four previous cases. In this case, till now, seven witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi.

(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].

sd/-

04/11/2022

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/ /2022

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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.MURALI KUMAR A Advocate SR.No.12472

ORDER

IN

CRL OP(MD) No.19531 of 2022

Date :04/11/2022

CP

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