



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19424 of 2022

Murugan

... Petitioner/7th Accused

Vs

State Rep.by
The Sub Inspector of Police,
District Crime Branch,
Theni.
(Crime No.26/2022).

... Respondent/Complainant

For Petitioner : M/s.Velavadhas H, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

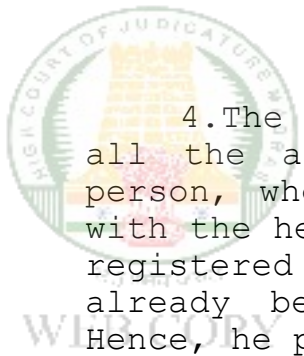
For Bail in Crime No.26/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 11.10.2022 for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 and 109 IPC, in crime No.26 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have fabricated documents in the name of dead person, who is the de-facto complainant's grand father and father with the help of A4. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a document writer and he is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused have already been released on bail and anticipatory bail. He would further submit that the petitioner is in judicial custody from 11.10.2022, hence he may be released on bail.



4.The learned Government Advocate (Crl.Side) would submit at all the accused have fabricated documents in the name of dead person, who is the de-facto complainant's grand father and father with the help of A4. The petitioner is a document writer and he has registered the said fabricated documents and five witnesses have already been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the co-accused have already been released on bail and anticipatory bail and five witnesses have already been examined, 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, Theni.

(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/-

03/11/2022

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03/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, THENI DISTRICT.



4 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI.

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

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-12336[I] dated 03/11/2022)

ORDER

IN

CRL OP(MD) No.19424 of 2022

Date :03/11/2022

SJI

RS/SBN/SAR.(03.11.2022) 3P-7C