



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022
PRESENT

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

CRL OP(MD) . No.20224 of 2022

Alagudurai

... Petitioner/Accused No.5

Vs

The State rep.by
The Sub Inspector of Police,
Shencottai Police Station,
Tenkasi District.
(Crime No.306/2022).

... Respondent/Complainant

For Petitioner : M/s.Rathinavel Pandian J C,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

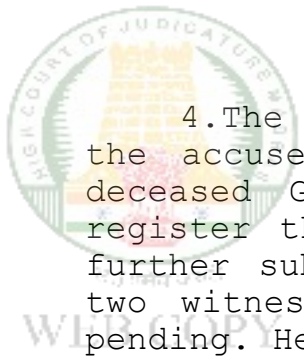
PRAYER :- For Bail in Cr No.306/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 21.10.2022 for the offences punishable under Sections 467 @ 467, 468, 419 and 420 IPC, in crime No.306 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Sub Registrar of Panpozhi. On 20.10.2022 at about 02.15 p.m., A1 by impersonation filed a sale deed for registration as if the same was executed by one Ganapathi. On perusal of the documents filed by him, it is found that Aadhaar Card produced by the parties is a fake one. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a document writer and as per the instructions and documents given by the buyer and seller, the petitioner has prepared the documents. He would further submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 21.10.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit that the accused persons have prepared a forged Aadhaar Card of the deceased Ganapathy and by impersonating him, they attempted to register the sale deed before the de-facto complainant. He would further submit that the petitioner is having no previous case and two witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that two witnesses have already been examined and the petitioner is not having any previous case, 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, Shencottai, Tenkasi District.

(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/-

15/11/2022

/ TRUE COPY /

15/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI, TENKASI DISTRICT.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

4 THE SUB INSPECTOR OF POLICE,
SHENCOTTAI POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.RATHINAVEL PANDIAN J C Advocate SR.No.13041

**ORDER
IN**

CRL OP(MD) No.20224 of 2022
Date :15/11/2022

SJI
SA/TR/SAR.4/15.11.2022/3P/7C