



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

Date : 15/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22177 of 2022

Abishek

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.870 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Manoj Kumar S,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

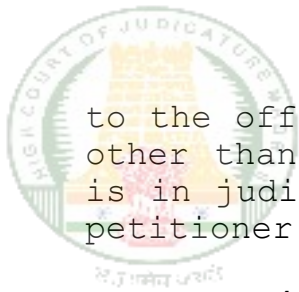
For Bail in Crime No.870 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.11.2022 for the offences punishable under Sections 353, 417, 419, 420 of IPC, in crime No.870 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was arrayed as A1 in connection with C.C.No.323 of 2020 and the case was posted on 31.10.2022 for the appearance of the accused. At the time of hearing, the petitioner has appeared on behalf of one Prabu (A3) S/o.Murugesan, who was in abroad. On enquiry, it was found that impersonation was made by the petitioner on behalf of the said Prabu, based on the complaint of one S.Raheswari, the Bench Clerk Grade-III of the Judicial Magistrate's Court NO.II, Kumbakonam, the complaint was registered.

3.The learned counsel for the petitioner would submit that this is the second bail petition. The petitioner is innocent and he has been falsely implicated in this case, since the petitioner is the nephew of A1. On the day of occurrence, the petitioner had went



to the office of the Advocate to inform about the absence (and other than that, he has not committed any offence. The petitioner is in judicial custody from 04.11.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner, who is a relative of A1, has impersonated and appeared before the Court. On the complaint given by the concerned Bench Clerk of the Court, this case has been registered. Hence, he strongly opposed to grant bail to the petitioner.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Kumbakonam**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the learned Judicial Magistrate No.II, Kumbakonam on all working day for a period of four weeks, thereafter, as and when required by the respondent;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/12/2022

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15/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB-JAIL, KUMBAKONAM.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MANOJ KUMAR S, Advocate (SR-14900[I] dated
15/12/2022)

ORDER
IN
CRL OP(MD) No.22177 of 2022
Date :15/12/2022

pnm
USK/SSS/SAR- /15.12.2022/3P/7C