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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

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

CRL OP(MD). No.22083 of 2022

Shek Ali

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
Crime No.34 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

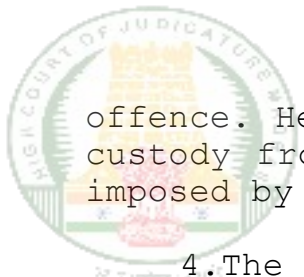
For Bail in Crime No.34 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 16.10.2022 for the offence punishable under Sections 420,465 and 471 of IPC in Crime No.34 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had fabricated documents and stood as security to furnish sureties thereby the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is an illiterate and he got several cases against him. He would further submit that on 29.09.2021 he had gone to the Court to see his advocate and his advocate asked him to give security to his clients and except this he has nothing to do with the alleged



offence. He would further submit that the petitioner is in judicial custody from 16.10.2022 and he is ready to abide by any conditions imposed by this Court, hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner has fabricated documents and stood as security to one Ajis. He would further submit that the petitioner is having five previous cases hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Valiyoor, Tirunelveli District, 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 Judicial Magistrate, Valliyoor, Tirunelveli District daily at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 am., until further orders.

(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 FIF registered under Section 229A IPC.

sd/-

14/12/2022

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14/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 4 THE INSPECTOR OF POLICE, VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-14810[I] dated 14/12/2022)

ORDER

IN

CRL OP(MD) No.22083 of 2022

Date :14/12/2022

AAV

RS/SSS/SAR.(14.12.2022) 3P-7C