



CrI.O.P.No.8746 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.8746 of 2023

Martin

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
T.Palur Police Station,  
Ariyalur District.

(Crime No.66 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner/accused on bail, in connection with the  
Crime No.66 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.C.E.Pratap  
Government Advocate (CrI.Side)



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 28.03.2023, for the offences punishable under Sections 419, 420, 465, 468, 471, 109 of IPC, in Crime No.66 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant who is the Sub Registrar is that the accused by impersonation and fabrication of documents had attempted to sell the property belonging to the third party. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a senior citizen, is an innocent person and he has been falsely implicated in this case. He further submitted that the father of the petitioner namely Arokkiyam is the absolute owner of the property in S.No.52/2C and all the revenue records stands in the name of his father and in the Aadhar Card produced before the Sub-Registrar, the name was shown as Arokkiyam, S/o.Arulanantham, whereas, a false complaint has been given



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against the petitioner, as if, the petitioner had fabricated the Aadhar card and attempted to sell the property. He also submitted that the co-accused in this case has already been enlarged on bail by this Court in Crl.O.P.No.8790 of 2023 on 21.04.2023 and the petitioner is in judicial custody from 28.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the accused by impersonation, attempted to sell the property belonging to the third party and they have also fabricated the Aadhar card and on the complaint given by the Sub Registrar, the case came to be registered. He also submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate 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.I, Jayankondam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions,



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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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

**26.04.2023**

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To

1. The Judicial Magistrate No.I,  
Jayankondam.
2. The Inspector of Police,  
T.Palur Police Station,  
Ariyalur District
3. The Sub Jail,  
Jayankondam.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*vkrr*

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**26.04.2023**