



WEB COPY



Crl.O.P.Nos.10824 & 10825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P Nos.10824 & 10825 of 2023

Amitkumar

S/o.Ram Kishan

... Petitioner/A1 in Crl.O.P.No.10824 of 2023

1. Amitkumar

S/o.Mir Singh

2. Amit

S/o.Ramesh Kumar

... Petitioners/A2 & A3 in Crl.O.P.No.10825 of 2023

Versus

State Represented by,
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City,
Coimbatore.

(Crime No.67 of 2023)

... Respondent in all Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 439 of
Cr.P.C. pleased to enlarge the petitioners on bail, pending investigation
on in Crime No.67 of 2023, on the file of the respondent.



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In both Crl.O.Ps.,

For Petitioner : Mr.T.Balaji

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.03.2023, for the alleged offence punishable under Sections 419, 420, 468 & 471 of I.P.C., in Crime No.67 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/accused along with others had undergone employment coaching at Haryana for the examination organized by the Institute of Forest Genetics and Tree Breeding, Forest Campus, Coimbatore, for the post of Multi Tasking Staff (MTS) and they had arranged other persons to write the examination held on 04.03.2023, on behalf of them.

3. The learned counsel for the petitioners would submit that the petitioners are in custody from 13.03.2023 and further custody of the



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petitioners are not required for investigation. Further, the learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that the co-accused in this case were granted bail by this Court in Crl.O.P.No.4196 of 2023 dated 05.05.2023. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners and other accused persons made other persons to impersonate themselves to write examination for the post of Multi Tasking Staff organized by the Institute of Forest Genetics and Tree Breeding, Forest Campus, Coimbatore. He would further submit that the investigation is yet to be completed and if the petitioners are let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. There is force in the submission of the learned counsel for the petitioners and taking into consideration of the facts and circumstances



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of the case, the co-accused has been released on bail by this Court in Crl.O.P.No.9146 of 2023 dated 05.05.2023, the period of incarceration and that further custody of the petitioners are not required for investigation, this Court is inclined to grant bail on the following conditions;

[a] the petitioners shall execute separate bond each for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (out of which one surety should be a blood related surety), each for a like sum to the satisfaction of the learned Judicial Magistrate No.7 at Coimbatore.

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

10.05.2023

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To

1. The Judicial Magistrate No.7,
Coimbatore.
2. The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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