



WEB COPY



CrI.O.P.No.13616 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

CrI.O.P.No.13616 of 2023

Manikandan

... Petitioner

Vs.

State represented by,
The Station House Officer,
CB CID Police Station through
Public Prosecutor
(Crime No.23 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.23
of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.K.S.Mohandas
Additional Public Prosecutor
(Puducherry)
Assisted by, Mr.A.Alexander



CrI.O.P.No.13616 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, for the offences punishable under Sections 120(b), 465, 467, 468, 471, 420 r/w Section 34 of IPC, in Crime No.23 of 2022 on the file of the respondent police, seeks bail.

2. 2. The case of the prosecution as per the *de-facto* complainant is that the land in R.S.No.292/4 and R.S.No.291/5 at Saram Revenue Village belonged to one Muthusamy Achary, who dedicated the said land to Sri Kamatchi Amman Temple by executing a Will on 06.03.1935. Whereas, A1 along with other accused, by creating the fabricated possession certificate and patta in favour of A1, settled the said land in favour of A2, who in turn settled the same in favour of Sabari Educational Society. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been unnecessarily roped into this case. He would further submit that the petitioner being a document writer, prepared the documents on the instructions of the other accused. Other than that he has not committed any offence as alleged by the



Crl.O.P.No.13616 of 2023

prosecution. He would further submit that the petitioner has been suffering incarceration from 13.05.2023 and the major portion of the investigation is also over. He would also submit that the co-accused in this case have been granted bail by this Court in Crl.OP.No.4705 of 2023 dated 08.03.2023, Crl.O.P.No.5762 of 2023 dated 13.03.2023 and Crl.O.P.No.13102 of 2023 dated 13.06.2023. He would further reiterate that the entire case of the prosecution is borne out by documents and therefore, the further custodial interrogation of the petitioner may not be required and that the petitioner is ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Mr.K.S.Mohandas, learned Public Prosecutor (Puducherry) appearing for the respondent submitted that it is a case of a large scale scam, in which the petitioner who is also one of the main accused, along with other accused, by creating fabricated documents, have grabbed the properties, worth about several crores belonging to the Sri Kammatchi Amman Temple. He would further submit that major accused involved in this case have been



Crl.O.P.No.13616 of 2023

arrested and one of the accused is yet to be arrested. He would further submit that if the bail is granted to the petitioner, there is every possibility of him interfering with the investigation and tampering with the records. Therefore, he would vehemently oppose to grant bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) and perused the materials available on record including the FIR and counter.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also taking note of the fact that similarly placed co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his 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 Chief Judicial Magistrate, Puducherry**, and on further conditions that:



Crl.O.P.No.13616 of 2023

[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 stay at Yanam and report before the Inspector of Police, Yanam Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter appear before the respondent police every day 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, 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.

20.06.2023

ksa-2



WEB COPY



Crl.O.P.No.13616 of 2023

A.D.JAGADISH CHANDIRA.,J.

ksa-2

To

1. The Chief Judicial Magistrate,
Puducherry.
2. The Station House Officer,
CB CID Police Station through
Public Prosecutor
3. The Central Prison,
Puducherry.
4. The Inspector of Police,
Yanam Police Station.
Yanam.
5. The Public Prosecutor (Puducherry),
High Court of Madras.

Crl.O.P.No.13616 of 2023

20.06.2023