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Crl.O.P.No.14080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14080 of 2023

N.Sivadhoss

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
SHO., DCB
Cuddalore Police Station
Cuddalore
(Crime No.11 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.11 of 2023, on the file
of the respondent Police.

For Petitioner : Mr.T.Balaji

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2023, for the offences punishable under **Sections 209, 409, 420, 465, 477A and 381 IPC**, in Crime No.11 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Principal Sub Judge (F.A.C), II Additional Sub Judge, Combined Court Complex, Cuddalore, is that the accused who are the Court staffs, Advocate and others, by fabrication of documents, falsification of accounts and also by introducing impersonators, have swindled the claim amounts of various claimants in the M.C.O.P. cases. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this. He further submitted that other than being worked as a Painter in the house of A1, the petitioner has not committed any other offence as alleged by the prosecution. A1 had asked the petitioner to sign certain documents and asked



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him to accompany one Sathyamoorthy to the Bank. Other than that the petitioner is not aware of anything. The petitioner further understands that a confession has been recorded from the arrested accused as if, he received a sum of Rs.5000/- for doing this job. He would further submit that the petitioner is in custody from 31.05.2023 and that he is ready to abide by any stringent conditions as may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for the grant of bail to the petitioner stating that the petitioner worked as a Painter in the house of A1 who is a Bench Clerk in Cuddalore Court and that A1 along with one Jayasankar, Advocate, by falsification of accounts and fabrication of documents, swindled the amounts of various claimants in the M.C.O.P. Cases and the investigation is pending.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the contents in the FIR.



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

7. 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 Judicial Magistrate No.II, Cuddalore**, 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 before the respondent police daily 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;



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[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.

23.06.2023

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To

1. The Judicial Magistrate No.II, Cuddalore
2. The Inspector of Police,
SHO., DCB
Cuddalore Police Station
Cuddalore
3. The Central Prison, Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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