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CrI.OP.No.18058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.18058 of 2023

Sakthivel

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
(Cr.No.257 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.257 of 2023 on the
file of the respondent Police, pending investigation.

For Petitioner : Mr.N.Manohar

for Mr.N.Ponraj

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 03.07.2023 for the offence punishable under Sections 417, 468, 471 and 472 I.P.C. in Crime No.257 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is temporary employee of Karumathampatty Municipality. It is alleged by the prosecution that petitioner using his position, either forged the signature of the defacto-complainant or placed the Form-VII without properly informing the defacto-complainant and obtained the signature. This allegation is not true. Petitioner is in judicial custody from 03.07.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that one Thangaraj applied for EB service connection in Form-VII. On seeing, that defacto-complainant got a doubt, that without a proper plan permission, EB service cannot be given. He found later that Form-VII was found to be suspicious and he would not clear any petition without properly going through the petition. Therefore, suspecting the genuineness of Form-VII, the complaint was given.



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4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made in this case and that the allegations are to be proved mainly by the documentary evidence, that the petitioner is in judicial custody from 03.07.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6.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, Sulur** 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 at 10.00.a.m., until further orders.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate,
Sulur.
- 2.The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
- 3.Central Jail, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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