



Crl.OP.No.20877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.20877 of 2023

D.Mayilvaganan

...Petitioner

Vs.

State represented by its
Inspector of Police,
CCB Police Station,
Coimbatore District.
(Crime No.36 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner's on bail in Crime No. 36 of 2022 on the file of Inspector of Police, CCB Police Station, Coimbatore District on such terms and conditions.

For Petitioner : Mr. S.Arivazhagan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2023 for the offences punishable under Sections 120(B), 409, 465, 467, 468, 471, 420 IPC in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2.It is stated that A1 had an oral Agreement of Sale with one Elangovan and had also been paid about 10,00,000/- for consideration towards purchase of property. Subsequently, the said Elangovan had also given power of attorney in favour of A1. The said Elangovan died on 09.11.2018. During his life time, he had also entered into another oral Agreement with the defacto complainant.

3.The case against the accused is that he had prepared the Life Certificate as if Elangovan was alive and on the basis of the Power of Attorney, A1 / petitioner had sold the property to his own wife / A2. On the basis of such sale deed, A5 / Bank Employee had also granted loan. The Life Certificate was issued by A4 / Doctor.



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4.The entire issue requires deep investigation and for this purpose, holding the petitioner alone in the incarceration would not come to the assistance of the Investigation Agency.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.7, Coimbatore 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



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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.

[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.

03.10.2023

Smv/ns1

To

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1. Judicial Magistrate No. 7,
Coimbatore

2. Central Prison
Coimbatore

3. The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.



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