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Crl.O.P.No.29059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29059 of 2023

Kuppusamy

... Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
Central Crime Branch PS,
Team 27A, Egmore
Chennai.
Crime No.197 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.197 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



CrI.O.P.No.29059 of 2023

WEB COPY

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.11.2023 for the offences punishable under Sections 465, 466, 468, 471, 474, 484, 420 of IPC and Section 15(3) of Indian Medical Council Act in Crime No.197 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner forged the MBBS completion certificate and applied for UG Permanent Registration in the Medical Council. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused were arrested and released on bail. He further submitted that the petitioner has been in judicial custody from 09.11.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the certificates produced by the petitioner during certificate verification was found to be fake and fabricated one . She further submitted that there are no previous cases pending against the petitioner. Hence, she opposed for granting of bail to the petitioner.

5.Heard both side and perused the materials available on record.



Crl.O.P.No.29059 of 2023

WEB COPY

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and that the co-accused were arrested and released on bail, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Metropolitan Magistrate for Exclusive Trial of CCB Cases** (Relating to Cheating Cases in Chennai) **and CBCID Metro Cases, Egmore, Chennai – 08.** and on further conditions that:

[b] the petitioner shall report before the respondent police, everyday at 10.00 a.m until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



Crl.O.P.No.29059 of 2023

WEB COPY

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

28.12.2023

smn/shl

To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating to Cheating Cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai – 08.
2. The Sub Inspector of Police,
Central Crime Branch PS,
Team 27A, Egmore
Chennai
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.29059 of 2023

smn/shl

Crl.O.P.No.29059 of 2023

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