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CrI.O.P.No.29131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29131 of 2023

Mikelsamy S/o. Santhana Nadar

...Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
Udumalpet Police Station,
Udumalpet, Thiruppur District.
(Crime No.540 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.540 of 2023 on the file of respondent.

For Petitioner : Mr.D.Arun
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.540 of 2023, registered by
the respondent police for the offences punishable under Sections 406 &
420 of IPC. The petitioner was arrested and remanded to custody on
17.11.2023.



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2. The case of the prosecution is that the petitioner is working as Driver, A1 and A2 has obtained the original document of the Sale Deed, Pattas, Death Certificate, Aadhar Card, Legal Heir Certificate and obtained signatures in two blank sheets from the defacto complainant but refused to return the same and without knowledge of the petitioner, A1 and A2 sent legal notice to the defacto complainant that the defacto complainant entered into an agreement with A1 and A2 and agreed to sell the properties and insisted the defacto complainant to execute the Sale Deed. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated as an accused in this case. He further submitted that the petitioner neither cheated the defacto complainant nor involved in any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor submitted that the petitioner along with other accused had fabricated the documents and had forged the signatures of the defacto complainant and insisted the defacto complainant to execute the Sale Deed. Hence, he vehemently opposed to grant bail to the petitioner herein.

5. Considering the rival submissions made by the learned counsel on either side, considering the overt act attributed as against the petitioner and considering the number of days of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to certain 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 Judicial Magistrate Court No.I, Udumalpet, Thiruppur District, and on further conditions that :-



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- [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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the respondent police everyday 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.

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To

- 1.The Judicial Magistrate Court No.I, Udumalpet, Thiruppur District.
- 2.The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Udumalpet Police Station,
Udumalpet, Thiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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