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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.866 of 2023

Mohamed Ismail

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Palakkarai Police Station,
Trichy.
(Crime No.1149 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh.C, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.11.2022, for the offences punishable under Sections 420, 467, 468 and 471 IPC in Crime No.1149 of 2022, seeks bail.

2.The case of the prosecution is that on 25.10.2022, one Abdul Jaleel, lodged a complaint before the respondent police stating that he is the President of Muslim Sunnath Valijama Hath Thuruppu Pallivasal. The petitioner herein was granted anticipatory bail in connection with some other case and in that case he has filed a relaxation petition in CrI.M.P.No.2647 of 2022 before the Principal District and Sessions Judge, Trichy. In which the petitioner produced a document stating that the defacto complainant herein has assured to give a loan of Rs.7,50,000/- without interest from the jamath for the purpose of complying the condition as imposed by the Principal District and Sessions Judge, Trichy. The learned Sessions Judge directed the respondent police to enquire with regard to the genuineness of the documents submitted by the petitioner. When the



respondent police enquired the same with the defacto compla. he came to know that the said document was fabricated and further the signature of the defacto complainant was forged. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that this the second petition for bail and the earlier petition was dismissed by this Court in Crl.OP(MD)No.22980 of 2022, on 23.12.2022. The petitioner is innocent and he has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 21.11.2022 and major part of the investigation has been completed. The case of prosecution is borne out by documents and there is no possibility for interfering with the investigation and hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has produced the forged documents before the trial Court for complying the condition imposed in Crl.M.P(MD). No.2647 of 2022 and he is having two previous cases in similar nature and there is no change in circumstances. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, considering the period of incarceration undergone by the petitioner and that this is the second petition for bail, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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.V, Trichy**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, PALAKKARAI POLICE STATION, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SURESH KANNAN.C, Advocate (SR-625[I] dated
11/01/2023)

ORDER

IN

CRL OP(MD) No.866 of 2023

Date :11/01/2023

RS/VR/SAR.(11.01.2023) 3P-7C