



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

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

CRL OP(MD). No.1355 of 2023

1. S.Solaiyammal

2. P.Shanmugam

... Petitioners/Accused Nos.1 & 6

Vs

State Rep.by

The Inspector of Police,
Sivakasi Town Police Station,

Virudhunagar District.

(Crime No.38 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Thirumurugan.T, 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.38 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who were arrested and remanded to judicial custody on 08.12.2022 for the offence punishable under Sections 420, 466, 467, 468, 120(b) of I.P.C, in Crime No. 38 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the accused persons by way of impersonation and fabrication of documents, including the Life Certificate, sold the property belonging to the defacto complainant to A2. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. The case of civil nature has been projected to a criminal case. The petitioners are in custody from 08.12.2022, ie., more than 45 days. The entire case borne out by documents and they are ready to abide any stringent condition imposed by this Court. Hence, prays to release them on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the accused persons had sold the property belonging to the defacto complainant to A2, by way of impersonation and fabrication of documents. The petitioners are having two previous cases of similar nature in Crime Nos.286 and 539



of 2006. Hence, he strongly objected to grant bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that though the petitioners have two previous cases, they were acquitted in those cases. Hence, prays to release them on bail.

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

7. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Sivakasi**, 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioners 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 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];

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

sd/-

24/01/2023

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

PNM

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TO

1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE CENTRAL PRISON,
MADURAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), MADURAI.

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

+2 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1045[I], SR-1016[I] dated
24/01/2023)

ORDER
IN
CRL OP(MD) No.1355 of 2023
Date :24/01/2023

RS/SSS/SAR.(24.01.2023) 3P-9C