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CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3437 of 2023

Sakthivel

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai, Dindigul District.
(in Cr.No.61 of 2023)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.61 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.R.Mohan,Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 08.02.2023 for the offences punishable under Sections 465, 466, 468, 470 and 471 of IPC in Crime No.61 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons by creating fraudulent documents had registered the property belonging to one Chinnakalai and hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution and the petitioner does not have any previous case against him and hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons, by creating



fraudulent documents, have registered the property belonging to the Chinnakalai and hence, he would object for grant of bail to the petitioner.

5. Heard. Perused the materials available on record.

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6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 08.02.2023, this Court is 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 Judicial Magistrate. Vedsanthur, 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 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/-
22/02/2023

/ TRUE COPY /

22/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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- 1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION, VADAMADURAI,
DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAI,
VEDASANTHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MOHAN, Advocate (SR-2666[I] dated 22/02/2023)

ORDER

IN

CRL OP (MD) No.3437 of 2023

Date :22/02/2023

PKP/BUC/SAR-/22.02.2023/3P/7C