



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9041 of 2023

Ebenesar,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District
(Crime No.52/2023).

... Respondent/Complainant

For Petitioner : M/s.Anto Prince.G,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.52 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was surrendered and arrested and remanded judicial custody on 21.04.2023 for the offences punishable under Sections 420, 465, 471 of IPC in Crime No.52 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.02.2023 at about 8.00 pm., the respondent received a complainant from Valliyur Criminal Court through Chief Clerk that as per D.No.446/2023 dated 22.02.2023 the petitioner/accused alleged to have filed a petition under sections 451, 457 of Cr.P.C that Mahindra Marazoo vehicle bearing Reg. No. TN 23 CM 4744 using forged documents. It was filed in the above said court as Crl.M.P.No.7544/2022 and ordered to hand over the said vehicle to petitioner without knowing the fact that he is obtaining the order fraudulently. Further the vehicle was also collected by the petitioner by producing respective sureties, hence the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he is no way connected with the

<https://www.mhc.tn.gov.in/judis>



manipulation of fake records and attempted to get the case. Further he has given confession with regard to the offence committed by the other accused and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner herein forged the records of RC book and got back the return of vehicle, hence he opposed to grant bail to the petitioner. He would further submit that as regards the petitioner the investigation is almost completed and now the RC book of the vehicle is with the finance.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation.

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]**.

(vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

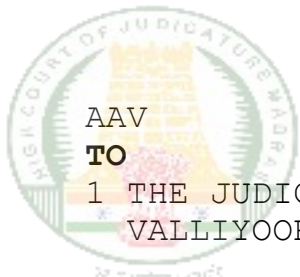
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18/05/2023

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19/05/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.ANTO PRINCE.G Advocate SR.No.7539

ORDER

IN

CRL OP(MD) No.9041 of 2023

Date :18/05/2023

SA/CG/SAR. /19.05.2023/3P/7C