



CRL OP(MD). No.18320 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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C.Santhi

... Petitioner/ Accused 1

Vs

The State rep.by,
The Inspector of Police,
Kodaikanal Police Station,
Dindiugul District.
(In Crime No.250 of 2023).

... Respondent/ Complainant

For Petitioner : MR.N.Ananthapadmanabhan, Senior Counsel
for M/s.Muthukamatchi V,
Advocate.

For Respondent : Mr.R.M.S. Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.250 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.09.2023 for the alleged offences punishable under Sections 120(B), 419, 420, 468, 471 and 196 IPC Crime No.250 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner knowingly received the false documents executed by her father and husband. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has only received the settlement executed by her father and husband. Based on the complaint given by the defacto complainant the above said case has been registered against the petitioner. It is alleged that this petitioner and others knowingly created the false documents and thereby, filed the suit before the District Munsif Court, Kodaikanal and got ex parte orders. It is further contended that this petitioner has not executed any document and she only received the settlement executed by her father and her husband and hence, she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in jail from 04.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent



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submitted that the petitioner is A1 and she has received the settlement executed by her husband and father, which is a false document. Therefore, the said case has been registered against the petitioner and hence, objected to grant bail to the petitioner.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Kodaikanal and on further conditions that:

* Deleted

(ii) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

(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



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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.

sd/-
12/10/2023

(*)FOR BEING MENTIONED AS PER ORDER
OF THIS HON'BLE COURT DT.20/10/2023
IN CRL.OP(MD)No.18320/2023.

/ TRUE COPY /

20/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DT. 12/10/2023 ALREADEY
DESPATCHED

1. THE JUDICIAL MAGISTERATE NO.II, KODAIKANAL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE OFFICER IN CHARGE,
SUB JAIL FOR WOMEN, NILAKOTTAI, DINDIGUL DISTRICT.



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4. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIUGUL DISTRICT.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-15047[I] dated 12/10/2023)

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-15585[I] dated 25/10/2023)

ORDER
IN

CRL OP(MD) No.18320 of 2023

Date :12/10/2023

RK (12/10/2023) 5P / 7C

ED/ /SAR- (20/10/2023) 5P / 8C

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