



CRL OP(MD). No.18894 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2023

PRESENT

The Hon`ble Mr.Justice **V. SIVAGNANAM**

CRL OP(MD). No.18894 of 2023

1. Narayanan
2. Karuppan

... Petitioners/ Accused Nos.2 and 3

Vs.

The Inspector of Police,
District Crime Branch,
O/o Superintendent,
Madurai District.
Crime No.20/2023.

... Respondent/Complainant

For Petitioner : Mr.R.Gandhi,
Senior Counsel for
M/s.Durai Socraties K,

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 20 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 03.10.2023 for the alleged offence punishable under Sections 120(B), 419, 420, 465, 468 and 471 IPC, in Crime No.20 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners have purchased the property from the first accused and they have obtained patta by creating false documents. Hence, the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners along with other accused have created false documents to grab the land from the defacto complainant. Hence, he opposed to grant bail to the petitioners.



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5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of case and also taking into consideration the period of incarceration and 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**, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Madurai and on further conditions that:

(ii) the petitioners shall appear before the trial Court on receipt of summons;

(iii)the petitioners 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 petitioners 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]**.



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

sd/-
30/10/2023

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30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
O/O SUPERINTENDENT OFFICE, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.DURAI SOCRATIES, Advocate (SR-15666[I] dated 30/10/2023)



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ORDER
IN
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Date :30/10/2023

SS/SAR- /30/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023