



CRL OP(MD). No.20429 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20429 of 2023

Vellaisamy

... Petitioner / Accused No.2

Vs

The State rep by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.425/2023.)

... Respondent / Complainant

For Petitioner : G.Thalaimuthurasu, Advocate.

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

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

PRAYER :-

For Bail in Crime No.425/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner /sole accused who was arrested and remanded to judicial custody on 12.10.2023 for the offence under sections 420, 423, 465, 471, 448, 294(b) and 506(ii) of IPC, in Crime No.425 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused created a false death and legal heir certificate of the defacto complainant's wife and registered a sale deed. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner is affected the high pressure and other ailments and the petitioner is in custody from 12.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner has illegally prepared the fake documents and also registered a sale deed, hence he objected to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the health condition of the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 No.II, Ramanathapuram, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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., for a period of thirty days and thereafter as and when required for interrogation.

[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 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-
10/11/2023

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10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate No.II,
Ramanathapuram.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

4.The Officer Incharge,
District Jail,
Ramanathapuram.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER

IN

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Date :10/11/2023

ED/ /SAR- (10/11/2023) 5P / 6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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