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CRL O.P. No.20279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.20279 of 2024

Harish Manohar S/o. Muralidharan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
D3 Podhanur Police Station,
Coimbatore. ... Respondent
[Cr. No.123 of 2024]

PRAYER:- The Criminal Original Petition is filed under Section 483 of
B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.123 of
2024 on the file of the respondent police.

For Petitioners : Mr. A. Parthasarathy and
Associates
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
(Criminal side)

ORDER

The petitioner / Accused, who was arrested and remanded to
judicial custody on 21.06.2024 for the offences punishable under



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sections 406, 420, 471 and 465 of IPC in Cr. No.123 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 had developed illegal relationship with the defacto complainant's father with an intention to grab properties belonging to him and after the demise of the defacto complainant's father on 30.11.2023, A1 had done all the rituals to him and subsequently, A1 along with other accused, had created fake legal heir certificate and death certificate and by utilizing the same, she had sold the portion of the property to one Neeraj, who is the partner of Lux Acers Private Limited, Coimbatore and received a sum of Rs.5 lakhs as advance and had entered into an agreement for sale and she had also sold remaining properties to third parties and received the sale consideration. When the defacto complainant enquired about the same, A1 caused life threat to the defacto complainant and hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is no way connected to the commission of offence as alleged in the FIR, that the petitioner is doing typing work for his livelihood and he



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is the sole bread winner of his family, that the occurrence alleged to have taken place between the period from 30.01.2023 to 03.04.2024 and the complaint has been lodged on 12.06.2024 in a delayed manner, that in fact, the petitioner is not a named accused in the FIR and he has been falsely implicated in this case as per the confession statement of A1 and that the petitioner is ready to abide by any condition imposed by this Court. Therefore, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) would contend that there are totally 5 accused in this case, that the defacto complainant's father had two wives and the defacto complainant is born through first wife and A1 is the 2nd wife's son, that A1 conspired along with other accused and created forged legal heir certificate and shown the same as genuine and transferred the properties in their name and sold the properties to third parties and the petitioner herein has involved in three other previous cases, that investigation is not yet completed and if the accused is released on bail, he would indulge in similar kind of activities and hence he strongly opposed to grant bail to the petitioner.

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



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6. Considering the rival submissions made on both sides, considering the fact that the petitioner is not a named accused, that there is no other previous cases and considering the period of incarceration underwent by the petitioner, I am 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) each, with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magist, Madukkarai, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

30.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The District Munsif cum Judicial Magist, Madukkarai, Coimbatore.

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2. The Inspector of Police,
D3 Podhanur Police Station,
Coimbatore.. .

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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