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CRL O.P. No.20229 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.20229 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.125 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.125 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 14.06.2024 for the offences punishable under
sections 406, 420, 471 and 465 of IPC in Cr. No.124 of 2024 on the file



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of the respondent police, seeks bail.

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2. The case of the prosecution is that the accused conspired together and received a sum of Rs.1,60,000/- from the defacto complainant under the guise of arranging Government job to the defacto complainant's daughter and failed to honour their promise and they had also created forged appointment and handed over the same as if original 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 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.

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4. The learned Government Advocate (Criminal side) would contend that there are totally 5 accused in this case, that the accused received a sum of Rs.1,60,000/- from the defacto complainant under the guise of arranging Government job to the defacto complainant's daughter and failed to honour their promise and they had also created forged appointment order and handed over the same to the defacto complainant, as if original, that A1 along with other accused created forged appointment order and forged the signature of the Corporation Commissioner and issued a fake appointment order and the petitioner herein has involved in three other previous cases, that investigation is still pending 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.

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



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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** 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;

[e] the petitioner shall not directly or indirectly make any



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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.

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

1.The District Munsif cum Judicial Magist, Madukkarai.

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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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