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CrI.O.P.No.21007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21007 of 2024

Sankar

...Petitioner/Accused-2

Vs.

The State rep by its
The Inspector of Police,
S.H.O., DCB Cuddalore P.S.

(Crime No.1 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.1 of 2024 on the file of respondent police.

For Petitioner : Mr.C.Srinivasan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2024 for the offences punishable under Sections 120B, 423, 463, 467, 468 & 471 of IPC., in Crime No.1 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.09.2018, the petitioner, in order to grab the property, has created forged legal heir certificate, as if he is only the legal heir, excluding all his family members and registered the same. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that it is a case of civil in nature has been given a criminal colour. He would also submit that there was civil dispute pending between the parties and in order to wreck vengeance, a false complaint has been lodged. He would further submit that investigation has been completed and there is no previous case against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4.Learned Government Advocate submitted that the petitioner, in order to grab the family property, has created forged legal heir certificate, as if he is only the legal heir and excluded all others in his family and registered the same. He would further submit that there is no previous case against the petitioner and investigation has been almost completed. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the relationship between the petitioner and the defacto complainant and also there is civil dispute pending between the parties and considering that there is no previous case pending against the petitioner and that the number of days of incarceration undergone by the petitioner and that investigation has been almost completed, this Court is inclined to grant bail to the petitioner with certain 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) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Panruti**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial



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Magistrate on every working day at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of 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, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[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]; and

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

02.09.2024

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To

1.The Judicial Magistrate No.II, Panruti.

2.Central Prison, Cuddalore.



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3.The State rep by its
The Inspector of Police,
S.H.O., DCB Cuddalore P.S.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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