



CRL O.P. No.21718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21718 of 2024

P.Balakrishnan

... Petitioner / Accused - 4

Vs

State rep. by
The Sub Inspector of Police,
Podanur Police Station,
Coimbatore.

(Crime No.123 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.123 of 2024, on the file of the respondent.

For Petitioner : Mr.C.Deepak Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2024, for the offences punishable under Sections 406, 420, 471 and 465 of IPC, in Crime No.123 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant's father had two wives. The defacto complainant was born through the first wife. A1 is the second wife's son. The defacto complainant's father had property and after his demise, the petitioner along with the other accused, conspired together, created forged legal heir certificate and shown the same as genuine one and transferred the property to their names and thereafter, sold the property to third parties. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no way connected with the alleged offence as he is only the person who introduced A1 to A5. He



would further submit that the petitioner has been in custody for more than 85 days and A5 was already released on bail. He would further submit that the petitioner is working as Accountant under A1 and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, conspired together with an intention to grab the defacto complainant's father's property, created fake legal heir certificate and transferred the property to their names. He would further submit that investigation has been completed and A5 was released on bail by this Court. He would also submit that there are no previous cases against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the representation made by both side learned counsels and that there is no previous case pending as against the petitioner and the petitioner is only the Accountant of the main accused and also the number of days of incarceration undergone by the petitioner and investigation has almost been completed, his Court is 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) with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Madukkarai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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



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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.

04.09.2024
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To

- 1.The District Munsif cum Judicial Magistrate, Madukkarai.
- 2.The Sub Inspector of Police,
Podanur Police Station,
Coimbatore.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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