



Crl.O.P.Nos.27639, 27640, 27641, 27643 & 27644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.27639, 27640, 27641, 27643 & 27644 of 2024

In Crl.O.P.Nos.27639 & 27641 of 2024,

Malar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.
(Crime Nos.260 & 253 of 2024).

... Respondent

In Crl.O.P.Nos.27640, 27643 & 27644 of 2024,

Malar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Crime Nos.436, 437 & 444 of 2024)

... Respondent

Common Prayer in Crl.O.P.Nos.27639 & 27641 of 2024 : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with Crime Nos.260 & 253 of 2024, pending investigation on the file of the respondent Police.



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Common Prayer in Crl.O.P.Nos. 27640, 27643 & 27644 of 2024 : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with Crime Nos.436, 437 & 444 of 2024, pending investigation on the file of the respondent Police.

In all Crl.O.Ps,

For Petitioner : Mr.R.Poornima
For Respondents: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

The Criminal Original Petition in Crl.O.P.No.27639 of 2024 has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 18.09.2024, seeking bail in Crime No.260 of 2024 registered under Sections 120B, 419, 423, 465, 468 of IPC on the file of the respondent Police.

2. The Criminal Original Petitions in Crl.O.P.Nos.27640 & 27643 of 2024 have been filed by the petitioner, who was arrested and remanded to judicial custody on 18.09.2024, seeking bail in Crime Nos.436, & 437 of 2024 registered under Sections 419, 423, 465, 468, 471 of IPC and Section 82(d) of the Registration Act, on the file of the respondent Police.

3. The Criminal Original Petition in Crl.O.P.No.27641 of 2024 has



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been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 18.09.2024, seeking bail in Crime No.253 of 2024 registered under Sections 419, 423, 465, 468, 471 of IPC, on the file of the respondent Police.

4. The Criminal Original Petition in CrI.O.P.No.27644 of 2024 has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 18.09.2024, seeking bail in Crime No.444 of 2024 registered under Sections 419, 423, 465, 468 & 471 of IPC and Section 82(d) of the Registration Act, on the file of the respondent Police.

5. The allegation, in short, in respect of all the above cases, is that the accused, by fabrication and manipulation of documents, public records including the Aadhar card of various persons and impersonation, grabbed the properties belonging to the third parties. Hence the case.

6. Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in these cases due to the ill motive of her close relative one Rajendran. He further



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submitted that the petitioner's husband Elumalai was working in the Electricity Board and after his death, the petitioner had received a sum of Rs.27 lakhs as the terminal benefits of her husband. He also submitted that the said Rajendran had induced the petitioner to buy some properties stating that they are available for lesser price and on believing him, the petitioner had given the amount to him and only later, she came to know that the said Rajendran, only by fabricating the documents and impersonating, had created sale deed in favour of the petitioner. He further submitted that the petitioner herself is the victim of circumstances and the entire case is borne out by documents. He also stated that the petitioner is in custody from 18.09.2024 and hence, he prayed for grant of bail to the petitioner.

7. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused conspired together, impersonated and fabricated the documents including the Aadhar card of various persons, and grabbed the properties belonging to the various persons. He further submitted that the investigation in this case is still pending, hence, he objected for granting bail to the petitioner.



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8. Heard the learned Counsel appearing for all the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

9. Taking into consideration the facts and the submissions made by the learned counsel on either side, taking note of the fact that the petitioner herself is the victim in this case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on her executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thirukoilur**, and on further conditions that:

[a] 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;

[b] the petitioner shall report before the



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**Inspector of Police, Thirukoilur Police Station,
Kallakurichi, everyday at 10.30 a.m., until further
orders;**

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

[d] the petitioner shall not tamper with evidence
or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions,
the learned 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]*;

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

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To

1. The Judicial Magistrate,
Thirukoilur.
2. The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.
3. The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
4. The Superintendent,
Central Jail (Women),
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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27643 & 27644 of 2024**

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