



Crl.O.P.No.28540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28540 of 2023

A.P.Murugan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.951 of 2015

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.951 of 2015 on the file of
the respondent Police.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 29.11.2023 for the offences under Section 380 of IPC in Crime No.951 of
2015 on the file of the respondent Police, seeks bail.

2. It is stated that the petitioner is an Advocate Clerk who had been



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engaged by various counsels to file their civil suits. Most of the suits were on the basis of promissory notes. Later, the learned Sub Judge, Dharapuram, found that the original promissory notes which have been filed were found missing. In this connection, a complaint was given by the learned Sub Judge, himself and Sheristar of the Court have been taken into custody and subsequently released.

3.It is the contention of the learned counsel for the petitioner that all the suit bundles have been reconstructed and the decree had been passed. A1 has also been granted bail.

4.It is stated by the learned Government Advocate that the investigation has been completed.

5.In view of that particular fact and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 learned Judicial Magistrate, Dharapuram and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb



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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 respondent Police, everyday, at 10.30 a.m., until further orders.

[c] the learned Sub Judge, Dharapuram, may review the entire file and if the petitioner is a registered member, after giving proper opportunity to the petitioner, take appropriate action, if required.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

08.01.2024

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C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The Judicial Magistrate, Dharapuram
- 2.The Sub Jail, Dharapuram.
- 3.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
- 4.The Public Prosecutor, High Court of Madras.

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