



CRL OP(MD). No.9180 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9180 of 2024

1. Rajesh Kanna

2. Balamuthu

... Petitioners/ Accused No.2 & 3

Vs

The Inspector of Police,
District Crime Branch - II,
Trichy City.
(Crime No.9 of 2024.)

... Respondent/Complainant

For Petitioners : M/s.Lenin Kumar.T, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.9 of 2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners/ Accused, who were arrested and remanded to judicial custody on 10.06.2024 for the offences punishable under Sections 120B, 419, 420, 423, 465, 468 and 471 IPC in Crime No.9 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners herein and other accused have created a forged legal heir certificate of the defacto complainant's husband and registered a sale deed in favour of them. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners herein are only bonafide purchasers and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 10.06.2024, hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that petitioners herein and other accused have created a forged legal heir certificate of the defacto complainant's husband and registered a sale deed and hence, he strongly objected to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that the petitioners herein are only bonafide purchasers and also considering the period of incarceration, this Court is inclined to grant bail to the



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petitioners on certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing 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 learned Judicial Magistrate IV, Trichy and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
02/07/2024

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02/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.IV,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
District Crime Branch-II,
Trichy City.

4.The Superintendent,
Central Prison,
Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-7220[I] dated 02/07/2024)



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ORDER

IN

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Date :02/07/2024

ED/ /SAR- (02/07/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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