



CRL OP(MD). No.19564 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Shahul Hameed

... Petitioner/ Accused 6

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
City Crime Branch,
Tirunelveli. Tirunelveli District.
Cr.No.12/2024.

... Respondent/ Complainant

For Petitioner : Mr.T.Ramesh, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Cr.No.12/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A6, who was arrested and remanded to judicial custody
on 21.10.2024 for the offences under Sections 316(5), 318(4), 336(2), 336(3) and 340(2)

of BNS Act in Crime No.12 of 2024 on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2. The case of the prosecution is that the defacto complainant is the friend of the owner of the subject property. The owner of the property permitted the defacto complainant to manage the property and deal with the same. The owner of the property executed a general power of attorney, dated 16.11.2010 in favour of A1 on the direction given by the defacto complainant. Thereafter, A1 entered into a sale agreement with A2. Pursuant to the sale agreement, a portion of the property was transferred by way of two sale deeds in the year 2018 & 2021 respectively. The defacto complainant instructed A1 not to execute any sale deed in favour of A2 with respect to the remaining portion of property. However, A1 and A2 conspired with each other created a forged Life Certificate, as if, the original owner signed the same and presented the document for registration. Accordingly, the sale deed was executed in favour of A4, who is the wife of A2. A complaint came to be given before the respondent Police. There are totally 6 accused persons in this case and the petitioner has been arrayed as A6.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that the petitioner was the one, who approached the concerned person and he had only obtained signature for getting the Life Certificate. Therefore, there is clear involvement of the



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petitioner in this case.

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5.Per contra, the learned counsel for the petitioner submitted that even as per the case of the prosecution, the petitioner was employed by the defacto complainant to write the address and with that the role of the petitioner/ A6 has come to an end. He further submitted that the petitioner has nothing to do with the alleged offence and that he has already suffered incarceration from 21.10.2024 onwards.

6.Taking into consideration the facts and circumstances of the case and considering the role played by the petitioner and the age of the petitioner and considering the fact that the petitioner has suffered incarceration from 21.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing 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 No.I, Tirunelveli, 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 respondent police on every Mondays and Fridays at 05.30 p.m., until further orders;



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

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/11/2024

/ TRUE COPY /

13/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO
1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI.

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3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI. TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.RAMESH, Advocate (SR-13933[I] dated 13/11/2024)

ORDER
IN
CRL OP(MD) No.19564 of 2024
Date :13/11/2024

SA/SAR. /13.11.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.