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CRL O.P. No.38 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.38 of 2025

GURU

S/o Balaraman,

... Petitioner / Accused

Vs

State rep. by:-

The Station House Officer

Town Police Station, Karaikal District.

... Respondent

[Cr. No.169 of 2024.]

PRAYER:- The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.169 of

2024 on the file of the respondent police.

For Petitioner : Mr. S. Vinoth Kumar

For Respondent : Mr. K.S. Mohandass

Public Prosecutor [Puducherry]

Assisted by

Ms. N. Dhanalatchumi,

Government Advocate [Pondy]

ORDER



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The petitioner / Accused, who was arrested and remanded to judicial custody on 03.12.2024 for the offences punishable under Sections 420, 468, 471, 473 read with 34 of IPC in Cr. No.169 of 2024 on the file of the respondent police, seeks bail.

2. The Deputy Collector (Revenue)-cum-Sub Division Magistrate, Karaikal lodged a complaint stating that between 09.01.2023 and 25.02.2024, some unknown persons, in furtherance of common intention, have fraudulently fabricated the documents affixed with the forged signature of the defacto complainant with Government official seal projecting that the vast extent of land belongs to Sri Paarvadheeswarar Swamy Devasthanam near JIPMER Hospital, Karaikal has been converted into the house sites by the Government itself and the housing plots are being assigned to the general public on market value and the documents were shared by online in social media and huge amount from the general public are being collected and to prevent the general public being cheated, the defacto complainant has requested for necessary legal action against the culprits. Thus, the respondent police have registered the present case and the investigation reveals that the petitioner herein



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has allegedly enticed several persons in Karaikal by showing the forged and fabricated documents and collected huge amount. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 420, 468, 471, 473 read with 34 of IPC and this petitioner was arrested and remanded to judicial custody on 03.12.2024. This petitioner is not a signatory in the alleged documents and he is only the husband of the prime accused and she was already released on bail. This petitioner is no way connected with the alleged offences. There is no previous case pending against this petitioner and hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner along with others had indulged in creating forged documents and swindled the temple property and he has actively participated in the commission of offences and he abetted with A2 and sold the entire property belonged to the temple. So many properties were



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grabbed by this petitioner and other accused. Case is under investigation. If the petitioner is let out on bail, he would tamper with witnesses and would escape from the clutches of law and hence he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsels on either side, the nature of offences, this petitioner is not a signatory in the documents with respect to the alleged alienation of the properties belonged to the temple, the initial remand period was over and the petitioner is in judicial custody from 03.12.2024, hence there is no scope for custodial interrogation, already the prime accused and the co-accused were released on bail, this petitioner is only the husband of the prime accused, no previous case is pending as against this petitioner and considering the incarceration period of the petitioner from 03.12.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 **Judicial Magistrate No.I, Karaikal** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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

[e] the petitioner shall not directly or indirectly make any



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inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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.

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09.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

1.The Judicial Magistrate No.I, Karaikal

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2. The Public Prosecutor, Puducherry.
3. The Public Prosecutor, Madras High Court, Chennai.
4. The Station House Officer, Town Police Station, Karaikal District.
5. The Sub Jail, Karaikal.

P.DHANABAL,J
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