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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.16573 of 2022

Ilaiyazhwar

... Petitioner/Defacto Complainant/
Defacto Complainant

Vs

1.State Rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.26/2022

... 1st Respondent/Respondent/
Complainant

2.Ganesh @ Ganesan

... 2nd Respondent/Petitioner/
Accused No.4

PRAYER :-

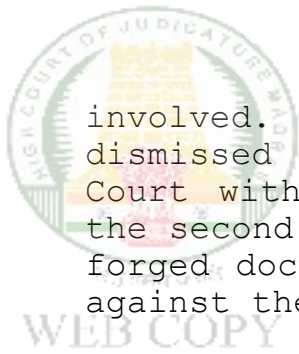
To cancel the bail granted to the 2nd respondent in Cr.M.P.No. 3855 of 2022 on the file of the Principal Sessions Judge, Thoothukudi, dated 26.07.2022.

For Petitioner : M/s.Suresh.M, Advocate
For Respondent-1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)
For Respondent-2 : Mr.S.Senthil Sankara Nathakumar, Advocate

ORDER : The Court made the following order :-

This petition for cancellation of bail has been filed by the petitioner/defacto complainant, to cancel the bail order passed in Cr.M.P No.3855 of 2022, dated 26.07.2022, passed by the Principal Sessions Judge, Thoothukudi.

2.Today, when the matter was taken up for hearing, it is stated, on the side of petitioner that the second respondent was enlarged on bail in Cr. M.P No. 3855 of 2022, dated 26.07.2022, passed by the Principal Sessions Judge, Thoothukudi, without considering the overt act of the second respondent in the alleged offence. The second accused/A4, has underwent judicial custody only for a period of 18 days. In this case, totally Rs.42lakhs was



involved. This Court, considering the gravity of the , dismissed the bail petition filed against A2, whereas, the lower Court without considering the merits, simply granted bail against the second respondent/A4, as he was only an attesting witness to the forged document. Therefore, prays to cancel the bail order passed against the second respondent/A4.

3.On the side of the first respondent, it is stated that in this case, investigation is almost completed and the co-accused A1 to A3 were already released on statutory bail. There is no violation of any condition imposed by the lower Court. Hence, prays to dismiss the petition.

4.On the side of the second respondent, it is stated that he is abiding all the conditions imposed by the lower Court at the time of granting bail. There is no violation of any of the condition. Hence, prays to dismiss the petition.

5.Considering the facts and circumstances of the case and as stated by the prosecution, there is no violation of any of the condition imposed by the lower Court and considering the fact that the investigation is almost completed, this Court finds either irregularity or violation in the order passed by the lower Court.

6.In view of the above, this Criminal Original Petition stands dismissed.

sd/-

17/10/2022

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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-50040[F]
dated 18.10.2022)

ORDER

IN

CRL OP(MD) No.16573 of 2022

Date :17/10/2022

PNM

<https://www.mhjudiciary.org.in> (26.10.2022) 2P-5C