



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20237 of 2022

1. Sekar Murugan

2. Arumugasamy

3. Muthukumar

4. Chellam

... Petitioners/Accused No.1
and Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Shencottah Police Station,
Tenkasi District.
Cr.No.306/2022.

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar C,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

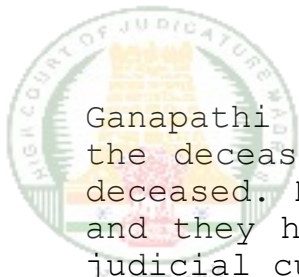
PRAYER :- For Bail in Crime No.306/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 21.10.2022 for the offences punishable under Sections 467 IPC @ 467, 468, 419 and 420 IPC in crime No.306 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant is the Sub Registrar of Panpozhi. On 20.10.2022 at about 02.15 p.m., A1 by impersonation filed a sale deed for registration as if the same was executed by one Ganapathi. On perusal of the documents filed by him, it is found that Aadhaar Card produced by the parties is a fake one. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are the second grade legal heirs of the deceased



Ganapathi and the first petitioner/A1 brought the Aadhaar of the deceased while making some settlement over the property of the deceased. He would further submit that the petitioners are innocents and they have been falsely implicated in this case and they are in judicial custody from 21.10.2022. Hence, he prays for bail.

WEB COPY

4.The learned Additional Public Prosecutor would submit that there are five accused in this case and all the accused persons have prepared a forged Aadhaar Card of the deceased Ganapathy and by impersonating him, they attempted to register the sale deed before the de-facto complainant. He would further submit that the first petitioner/A1 is the main accused in this case and the other petitioners are having no previous case and two witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. Hence, this petition is dismissed as not pressed as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that two witnesses have already been examined and the petitioners 2 to 4 are not having any previous case, this Court is inclined to grant bail to the petitioners 2 to 4 on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners 2 to 4 are 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, Shencottai, Tenkasi District.

(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 2 to 4 shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners 2 to 4 shall not tamper with evidence or witness;

iv)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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].

sd/-
15/11/2022

/ TRUE COPY /

WEB COPY

15/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 4 THE OFFICER INCHARGE,
KOKKIRAKULAM, TIRUNELVELI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
SHENCOTTAH POLICE STATION,
TENKASI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARAVANAKUMAR C Advocate SR.No.13050

ORDER

IN

CRL OP(MD) No.20237 of 2022
Date :15/11/2022

SJI
SA/TR/SAR.4/15.11.2022/3P/8C