



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

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PRESENT

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

CRL OP(MD). No.21136 of 2022

Sekar Murugan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
Crime No.306 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sankar K, 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 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who were arrested and remanded to judicial custody on 21.10.2022 for the offence punishable under Sections 467 IPC @ 467, 468, 419 and 420 IPC, in Crime NO.306 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is second bail application. Earlier bail application filed by the petitioner along with other accused in Crl.OP(MD)No.20237 of 2022 was dismissed by this Court as



further submit that the petitioner is the Second Grade Lecturer of the deceased namely, Ganapathy and the petitioner brought the Aadhaar card of the deceased while making some settlement over the property of the deceased. The petitioner is in judicial custody from 21.10.2022. Hence, he prays for grant of bail to the petitioner.

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4.The learned Additional Public Prosecutor would submit that there are five accused are involved in this case. The petitioner is arrayed as A1. The petitioner prepared a forged Aadhaar Card of the deceased Ganapathy. 8 witnesses have been examined in this case. The co-accused were already released on bail by this Court. However, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that the co-accused were already released on bail by this Court and 8 witnesses have been examined in this case, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed 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 Court, Shenkottai.

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

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

(iv)the petitioner 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 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].

sd/-

30/11/2022

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30/11/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE, SHENKOTTAI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE OFFICER INCHARGE, SUB JAIL, TENKASI.
 - 4 THE INSPECTOR OF POLICE, SHENKOTTAI POLICE STATION,
TENKASI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SANKAR, Advocate (SR-13997[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.21136 of 2022
Date :30/11/2022

DSS
RS/VR/SAR.(30.11.2022) 3P-7C