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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.12.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.32540 of 2025

Jotheshwaran

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.313 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023,
pleased to enlarge the petitioner on bail in Crime No.313 of 2025 on the file of
the respondent police.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.10.2025, for the offence punishable under Sections 109, 111, 303(2), 318(4), 336, 340(2), 143 and 49 of BNS, in Crime No. 313 of 2025, registered on the file of the respondent, seek bail.



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2. The allegation against the petitioner is that he is ranked as A3 in this case. It is alleged that he acted as a facilitator and was involved in the fabrication of records, including the coordinated creation of relationship certificates, namely family certificates, and other related documents. It is further alleged that he received a sum of Rs.1,40,000/- for preparing these records and that he actively participated in the fabrication along with A2. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is only running a petty shop opposite the Taluk Office and has no knowledge of the documentation process and he was not involved in the fabrication of records. He further submitted that the petitioner was implicated in this case only on the basis of the confession of the arrested accused. Hence, he prayed for the grant of bail to the petitioner.

4. Learned Special Public Prosecutor reiterated the prosecution case and submitted that the complaint was originally lodged by the Chief Medical Officer, Pallipalayam Government Hospital, alleging that a kidney transplantation had taken place without following due process and that impersonation and fabrication of records were involved. Based on the said complaint, a case was registered and initially investigated by the first respondent, and subsequently transferred to the second respondent, the Special



Investigation Team. During the course of investigation, it has been revealed that, so far, four complaints have been received by the Special Investigation Team for investigation. It is further submitted that a group of private individuals involved in the case, that the petitioner was recently arrested, and that the investigation is at a nascent stage. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. I have also perused the connected records and the counter filed in this case, which reveal that the petitioner has actively participated in the fabrication of records, fully knowing the complexities involved in the process of kidney transplantation. The petitioner, by joining hands with A1 and other accused is alleged to have fraudulently created a false relationship certificate and facilitated impersonation. Hence, if the petitioner is released on bail at this stage, it is likely to hamper the investigation.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the investigation is at preliminary stage, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

08.12.2025

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To

1. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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