



CRL OP(MD). No.14688 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14688 of 2024

Bharathidasan,

... Petitioner/ Accused - 1

Vs

The Inspector of Police,
District Crime Branch,
Sivagangai District.
Crime No.11 of 2024..

... Respondent/Complainant

For Petitioner : Mr.R.Thirumoorthy,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 11 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 294(b), 465, 467, 471, 420 and 506(i)

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IPC in Crime.No.11 of 2024, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

3. From the allegations, even though it can be seen that between the defacto complainant and the petitioner the matter falls within the title dispute, now in the investigation, it turns out that the legal heirship certificate, which is produced while registering the document in Document No. 893 of 2020, turns out to be forged one. Concerned Thasildar had replied that the legal heir certificate was never issued in that office. In this regard, the learned Counsel would submit that even the Crl.M.P.No.250 of 2013 with reference to the registration of death belatedly was presented only by Udhaya kumar, the de facto complainant. The petitioner was not a party who was present in the Sub Registrar office when the aforesaid document dated 10/3/2021 was presented. Though he is the beneficiary of the release deed, the stamp paper was purchased by the father and was executed by the other two persons alone and the document does not bear the signature of the petitioner. In



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view there of, he would submit that since the petitioner is working in Bengaluru and looking after his construction business certainly, he is not the one who has forged the legal heirship certificate. Now, the investigating officer is to find out as to who forged the legal heirship certificate it can be the petitioner or it can be the brother or the other legal heirs of the petitioner.

4. Therefore, considering the overall facts and circumstances of the case it has to be seen that during the course of investigation as to who had forged the legal heirship certificate the petitioner is granted anticipatory bail. However, while, during the course of investigation, after getting the specimen signature of the petitioner or by way of other investigation, if it is found that the petitioner is the one who has forged the legal heirship certificate, then the prosecution can again move for cancellation of this anticipatory bail.

5. In view of the above, the petitioner is enlarged on anticipatory bail with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of



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receipt of a copy of this order, before the learned Judicial Magistrate No.II,

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Sivagangai on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-11164[I] dated 11/09/2024)

ORDER
IN
CRL OP(MD) No.14688 of 2024
Date :11/09/2024

SS/JGB/SAR- /26/09/2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023