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Crl.O.P.No.1751 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.1751 of 2025

1.Madesh
2.Thimmaraj.K.
3.Basuvvaraj

...Petitioners/Accused

Vs.

The State represented by its:
Inspector of Police,
Nallur Police Station,
Krishnagiri District.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in
the event of their arrests in connection with Crime No.(Not known) of 2024 on
the file of the by the respondent police.

For Petitioners : Mr.Nagarajan Kanthasamy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



Crl.O.P.No.1751 of 2025

WEB COPY

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 338, 318(4), 406, 408 and 420 of BNS of 2023 in connection with illegal sale of property, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 prepared a false death certificate and legal heir certificate of the *de-facto* complainant, making it to appear that he is the only legal heir of the *de-facto* complainant, who is still alive and sold the land to a third party; that the first petitioner/A2 herein is the buyer of the property and the second and third petitioners/A3 and A4 are the witnesses who have signed on the alleged Sale Deed dated 25.09.2024. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution; and that the first accused in this case has already been granted anticipatory bail by this Court vide its order dated 05.02.2025 in Crl.O.P.No.1752 of 2025; and that the custodial interrogation of the petitioners is



Crl.O.P.No.1751 of 2025

not necessary in this case and sought for anticipatory bail.

4.The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirms the fact that the co-accused/A1 in this case, granted anticipatory bail by this Court on 05.02.2025 in Crl.O.P.No.1752 of 2025.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the fact that the case is based on borne out by records and the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the ***Judicial Magistrate No.II, Hosur***, on condition that the petitioners shall execute a bond for a sum of



Crl.O.P.No.1751 of 2025

Rs.10,000/- (Rupees Ten thousand only), each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;



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Crl.O.P.No.1751 of 2025

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

05.02.2025

dk

To

1.The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police,
Nallur Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.1751 of 2025

SUNDER MOHAN, J.

dk

Crl.O.P.No.1751 of 2025

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