



Crl.O.P.Nos.2160, 2204 & 2282 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NOS. 2160, 2204 & 2282 of 2025

Pon Nandhagopalan

.. Petitioner/A7 in
Crl.O.P.No.2160/2025

Bharath Jaganathan

.. Petitioner/A1 in
Crl.O.P.No.2204/2025

N. Pragadeesh

.. Petitioner/A9 in
Crl.O.P.No.2282/2025

Vs

The State Of Tamil Nadu
Rep.By, The Inspector Of Police,
District Crime Branch,
Erode District.
(Crime No.2 of 2025)

... Respondent in
all Crl.O.P.s

COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 of B.N.S.S. praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 2 of 2025 pending investigation on the file of the respondent police.



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For Petitioner in

Crl.O.P.No. 2160/2025 :

Mr.B.Kumar,
Senior Advocate for
Mr.M.Roshan Atiq

For Petitioner in

Crl.O.P.No.2204/2025 :

Mr.John Sathyan,
Senior Advocate for
Mr.Babu Rangasamy

For Petitioner in

Crl.O.P.No.2282/2025 :

Mr.S.Sriram

**For Respondent
in all Crl.O.P.s**

:

Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 419, 420, 468, 471 of I.P.C. and Sec. 351(2) of B.N.S. Act in Crime No.2 of 2025 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that A1 to A3 are relatives to the defacto complainant; that taking advantage of relationship, A1 had taken away the original document relating to the property measuring an extent of 3.36



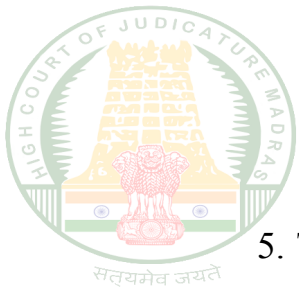
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acres of land bearing Survey No.54 situated at Ayyampalayam Village from

the house of defacto complainant; that at the instigation of A1 to A3, A4 impersonated as defacto complainant and executed a power of attorney in favour of himself and in turn, A4 executed a sale agreement in favour of A5, which was cancelled and subsequently using the same power of attorney, A4 had executed a sale agreement in favour of A6; that A7 and A8 signed as witnesses; that A9 is a lawyer, who drafted the power of attorney as well as the first agreement, which was subsequently cancelled. Hence, this case.

3. Crl.O.P.No. 2160 of 2025 has been filed by A7, Crl.O.P.No. 2204 of 2025 has been filed by A1 and Crl.O.P.No. 2282 of 2025 has been filed by A9.

4. The learned senior counsel appearing for the petitioner/A1 would submit that there are number of disputes between A1 and defacto complainant; that the defacto complainant had made several complaints against A1; that in fact, there is a civil suit pending against the defacto complainant filed by A1 before the Principal Senior Civil Judge, Anakel; that this complaint has been filed only to persuade A1 to withdraw the civil suit; that in any case, his custodial interrogation is not required.



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5. The learned counsel for A7 would submit that he is only a witness to the power of attorney; that since A7 was not aware of the contents, he is not liable and in any case, his custodial interrogation is not required.

6. The learned counsel for A9 would submit that he is a lawyer, who has drafted the power of attorney as well as sale agreement; that he is not party to the alleged offence and in any case, his custodial interrogation is not required.

7. The defacto complainant, however, vehemently opposed to grant anticipatory bail to the petitioners, submitted that A1 is the mastermind in the offence; that he forged the aadhar card and identity card of the defacto complainant; that making use of relationship, he has taken away the original documents; that he is in possession of original documents relating to the property; and that their custodial interrogation is required for the purpose of investigation.

8. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions submitted that co-accused/A4 was arrested and released on bail.



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9. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

10. Considering the aforesaid facts, the nature of allegations, the nature of relationship between A1 and defacto complainant, the fact that there are civil disputes between them, the fact that A7 was only a witness to the document; that A9 is a lawyer, who drafted the documents and since the case is borne out by records, this Court is of the view that their custodial interrogation is not required for the purpose of investigation. It is for the prosecution to establish the offences against the petitioners before the trial court. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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 learned Judicial Magistrate-II, Erode on condition that the petitioners 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 the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further conditions that:



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[a] the petitioners 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/A1 shall report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioners/A7 and A9 shall report before the respondent police as and when required;

[d] the petitioner/A1 shall inform the trial court as and when he travels abroad for business purposes;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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



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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].

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

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To

- 1.Judicial Magistrate, Erode (A1).
2. Judicial Magistrate-II, Erode (A7 and A9)
3. The Inspector Of Police, District Crime Branch, Erode.
4. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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