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CRL OP NO. 2206 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13-02-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2206 of 2025

R.Gopalakrishnan

Petitioner

Vs

The State Rep by its, The Inspector of Police,
DCB Salem, Cr.No.9 of 2024

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No.9 of 2024 pending on
the file of the respondent police.

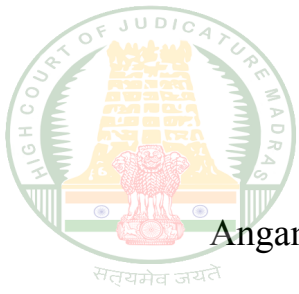
For petitioner: Mr.C.Prakasam

For Respondent(s): Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police
for the offences punishable under Sections 467,468 and 471 of IPC on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 to A5 had entered into a
conspiracy; that pursuant to the complaint A1 impersonated as wife of



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Angamutthu, who was the original owner of the properties in Survey nos. 161/1 measuring 2.21 acres, 161/2 measuring 2.31 acres, 161/3 measuring 1.83 acres and 161/4 and executed the sale deed. On 14.09.2023, when the *de facto* complainant entered the property, two persons viz., Senthamarai and Ranjith Kumar were seen inside the property and when questioned, they gave evasive answers. Later, on suspicion, the *de facto* complainant enquired and found that A1- A5 along with the petitioner (A6) were involved in the offence of impersonation and executed the sale deed of the properties which belongs to him. Hence, the case.

3. The learned counsel for the petitioner submitted that the allegation against the petitioner is false; that he has nothing to do with the alleged offences and would abide by the conditions put forth by this Court; that he is aged 61 years and prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and on instructions submitted that the other accused are yet to be secured and hence, opposed for grant of anticipatory bail.



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5. Heard the learned counsel for the petitioner and the learned Government

Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the submissions made by either side, nature of allegations, age of the petitioner and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate-VI, Salem, Salem District** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

[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



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SUNDER MOHAN,J.

vca

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]**;

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

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To

- 1.The Inspector of Police,
DCB Salem
2. Judicial Magistrate-VI, Salem, Salem District
- 3.The Public Prosecutor
High Court, Madras

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