



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.3488 & 1914 of 2025

Crl.OP.No.3488 of 2025

1. Subramanian
2. Alan
3. Ramakrishnan
4. Govindarasu

... Petitioners/A1, A3, A4 & A7

Vs.

State, Rep. by Sub Inspector of Police
Varanjaram Police Station,
Kallakurichi District.
(Crime No.376 of 2024)

... Respondent/complainant

Crl.OP.No.1914 of 2025

1. Rangasamy
2. Ayyakutti

... Petitioners/A5 & A6

Vs.

State, Rep. by Sub Inspector of Police
Varanjaram Police Station,
Kallakurichi District.
(Crime No.376 of 2024)

... Respondent/complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioners/A1, A3 to A7 on bail in the event of arrest Crime No.376 of 2024, on the file of the respondent Police.

For Petitioners

in Crl.OP No.3488 of 2025

: Mr.M.Govindarajan

in Crl.OP.No.1914 of 2025

: Mr.Krishnasamy



For Respondent
in both cases

: Mr.S.Santhosh
Government Advocate (CrI.Side)

COMMON ORDER

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The petitioners/A1, A3 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 466, 467 and 471 of IPC r/w 82(a) of Registration Act, 1908 in Crime No.376 of 2024, on the file of the respondent police, seek anticipatory bail.

2. (i) The case of the prosecution is that the defacto complainant had purchased the property viz., an extent of 1 acre and 64 cents from his sister, who in turn purchased the property from one Swaminathan; and that the defacto complainant was in possession of the property; that the patta was also transferred in his name; that however, the legal heirs of the Swaminathan, after his death, by suppressing the aforesaid facts had obtained a patta in the year 2003 by making a false representation.

(ii). It is the further case of the prosecution that the wife of the said Swaminathan has filed a suit in OS No.48 of 1989, which was dismissed in the year 1997 and the appeal was also dismissed later; that a suit was filed by the defacto complainant against the accused persons who are the legal heirs of the said Swaminathan and that was also decided in favour of the defacto



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complainant and thereafter, though the civil Proceedings ended in favour of the defacto complainant, the petitioners are not handing over the possession and not permitting the defacto complainant to do agriculture in the land.

3. The learned counsel appearing for the petitioners would submit that that the allegations are false; that there are several litigations pending between the parties; that patta even according to the defacto complainant was issued in favour of the petitioners and they in turn sold the same to A7; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the patta produced by A1 to A6 was in fact issued by the Thasildhar, Kallakurichi and has produced the document confirming the said reply sent by the Tahsildar.

5. Considering the fact that there are civil litigations pending between the parties, the fact that the petitioners have not forged the patta and there is a dispute with regard to the title of property, this Court is of the view that



custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. 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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Kallakurichi**, on condition that the petitioners shall execute a separate bond for a sum of **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 learned Magistrate concerned and on further condition that:

[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 Petitioners shall report before the respondent police twice a week i.e., on Monday and Thursday at 10.30 a.m., until further orders.



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

[d] the petitioners 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 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].

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

24.03.2025

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SUNDER MOHAN, J.

ars

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To
1.The Judicial Magistrate No.I,
Kallakurichi.

2.The Sub Inspector of Police
Varanjaram Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.3488 & 1914 of 2025

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