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Crl.O.P.No.3947 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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

Crl.O.P.No.3947 of 2025

V.Jayapalan

...Petitioner/Accused

Vs.

1. The Deputy Superintendent of Police
O/o.Additional Superintendent of Police,
Crime Branch – CID Headquarters,
Pudhukottai.

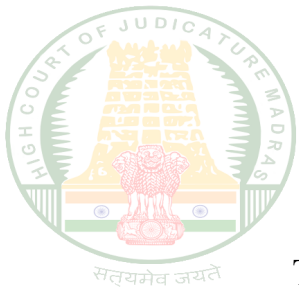
2. The Inspector of Police,
Crime Branch – CID South Police Station,
Thiruvarur District.
(Crime No.1 of 2023)

...Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.01/2023 on the file of the respondent police.

For Petitioner : Mr.Iyyapparaj

For Respondents : Mr.S.Santhosh
Advocate (Crl.Side)



ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 468, 471 and 506(i) of IPC in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the disputed property originally belonged to the husband of the *de-facto* complainant; that he registered a will in favour of his two sons, namely Mr.Raja and Mr.Selvam; that one of his sons Mr.Raja died on 24.06.2010; that the other son Mr.Selvam had executed a General Power of Attorney in favour of A4/Amutha by creating forged death certificates and made it appear that the de-facto complainant died on 25.02.2011 and created other forged documents; and the petitioner as a learned counsel, had signed as notary in one of the Sale Deeds.

3. Learned counsel for the petitioner would submit the petitioner is a lawyer, and he is not aware of the alleged forgery said to have been committed by the other accused and submitted that in any case, the custodial interrogation of the petitioner is not required.

4. Learned Advocate (Crl.Side), reiterated the prosecution case and submitted that the petitioner had appeared on the notice issued by the respondents



and he had cooperated with the investigation.

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5. Heard the learned counsel for the petitioner and the learned Advocate (Crl.Side) for the respondents and perused the materials available on record.

6. Considering the fact that the petitioner had, in his professional capacity, signed as a notary, he had cooperated with the investigation, and since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Chief Judicial Magistrate, Thiruvavarur**, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, 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 petitioner shall report before the respondent Police, as and when required for the interrogation;

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

[d] the petitioner 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 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 B.N.S.

18.02.2025

dk

To

1.The Chief Judicial Magistrate, Thiruvavur.

2.1. The Deputy Superintendent of Police
O/o.Additional Superintendent of Police,



Crime Branch – CID Headquarters,
Pudhukottai.



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3. The Inspector of Police,
Crime Branch – CID South Police Station,
Thiruvarur District.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN,J.
dk

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