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Crl OP No.4505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4505 of 2025

K.Rajendran

... Petitioner

Versus

State rep by
Inspector of Police,
District Crime Branch,
Erode.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Cr.No.2 of 2025 on the file of the respondent police.

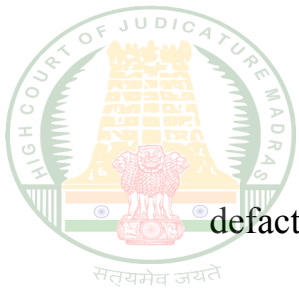
For petitioner : Mr.N.R.Elango
Senior Counsel

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 468, 471 of IPC and 351 of BNS in Crime No.2 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that A1 to A3 are relatives to the



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defacto complainant; that taking advantage of relationship, A1 had taken away the original document relating to the property measuring an extent of 3.36 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 and the first agreement, which was subsequently cancelled. Hence, this case.

3. The learned Senior counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 that the complaint only disclosed a civil dispute between the relations namely A1 to A3 and the defacto complainant and this Court while considering the anticipatory bail petition filed by A1, A6 and A9 had referred to the said fact granted anticipatory bail.

4. The learned Senior Counsel further submitted that though an



anticipatory bail petition was filed by this petitioner before the learned Principal and District Sessions Judge, Erode in Crl.MP.319 of 2025, a memo was filed on behalf of this petitioner on 18.02.2025 for withdrawal of said anticipatory bail petition.

5. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the co-accused were granted anticipatory bail by this Court in Crl.OP.Nos.2160, 2204 and 2282 of 2025 dated 10.02.2025.

6. It is seen from the prosecution case that A1 and A3 are close relatives of the defacto complainant and that the role of the petitioner is similar to that of A1. This Court while granting anticipatory bail to the co-accused has observed as follows:

" 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".



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7. The above observation will squarely apply to this petitioner also.

8. 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 on which the order copy is made ready, before the **Judicial Magistrate No.II, Erode**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[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.



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[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 is 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 BNS.

19.02.2025

Vv

To

1. The Inspector of Police,
District Crime Branch,
Erode.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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