



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6245 of 2025

1.Mahesh kumar Porwal
2.Majula Devi

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch-
Salem City, Salem District.
(Crime No.4 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.4 of 2025 on the file of the respondent.

For Petitioners : Mr.R.Vivekananthan
For Intervenor : Mr.K.Thenrajan
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

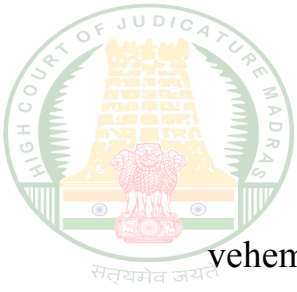
ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 120B, 417, 420, 465, 468,
471, 506(1) of IPC in Crime. No.4 of 2025.



2. The case of the prosecution is that the petitioners had purchased the disputed property by sale deed vide Doc. No.1920 of 2021 through a Power Agent one Rajkumar who is arrayed as the first accused; that the defacto complainant had executed a power of attorney in favour of the first accused as security since he had obtained loan of Rs.95 lakhs; that the defacto complainant did not intend to sell the property; that the defacto complainant's life certificate was forged by the first accused and the property was sold to the petitioners and that the said petitioners were also involved in the aforesaid offences.

3. The learned counsel for the petitioners would submit that the allegations are false; that the power of attorney was executed by the defacto complainant on 23.12.2019; that the sale deed executed on 10.06.2021 to the petitioners; that the petitioners are in possession of the properties; that the defacto complainant had filed this belated complaint with ulterior motive; that in any case, the allegations are borne out by records and that the said allegations do not warrant custodial interrogation and sought for anticipatory bail to the petitioners.



4. The learned counsel for the defacto complainant however vehemently opposed the grant of anticipatory bail stating that the sale deed was executed by using forged life certificate; that the sale consideration is said to have been paid in favour of the first accused in the year 2021 and that custodial interrogation is required.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the respondent is yet to verify whether the life certificate has been forged.

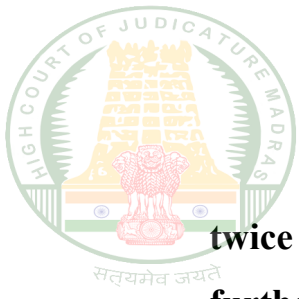
6. The execution of the power of attorney by the defacto complainant on 23.12.2019 is not disputed. The only grievance of the defacto complainant is that no sale consideration was paid to him and that A1 has forged life certificate in collusion with the petitioners and had grabbed the property. The sale deed was executed on 10.06.2021. The complaint was filed in the year 2025. It is reported that there is a civil suit for declaration of title which is pending in O.S. No.260 of 2025. The



allegations of the defacto complainant are borne out by records. This Court is of the view that custodial interrogation is not required for the purpose of investigation in the facts of this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before the **Judicial Magistrate No.II, Salem** on condition that the petitioners shall execute a separate 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 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 first petitioner shall report before the respondent police twice a week i.e., on every Monday and Friday at 10.30 a.m until further orders and the second petitioner shall report before the respondent police as and when required.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

24.04.2025

Index : Yes / No

Internet : Yes / No

rkp



WEB COPY

Crl.OP.No.6245 of 2



SUNDER MOHAN, J.
rkp

To

- 1.The Station House Officer,
Central Crime Branch-
Salem City, Salem District.
- 2.The Judicial Magistrate No.II, Salem.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.6245 of 2025

(2/2)

24.04.2025