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Crl.OP.No.6771 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6771 of 2025

G.Rajkumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
CCB-II, Salem City, Salem.
(Crime No.4 of 2025)

.. Respondent

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

For Petitioner : M/s.C.Prakasam

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 Section 120(B), 417, 420, 465,
468, 471 and 506(1) of IPC in Crime No.4 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that A2 and A3 had purchased



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the disputed property by sale deed vide Doc. No.1920 of 2021 through the petitioner, who acted as a Power Agent; that the defacto complainant had executed a power of attorney in favour of the petitioner 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 petitioner and the property was sold to A2 and A3 and thus the petitioner committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations are false; that the power of attorney was executed on 23.12.2019 by the defacto complainant; that the sale deed was executed on 10.06.2021 to A2 and A3; that A2 and A3 are in possession of the property; 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 petitioner.



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

5. The execution of 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 the petitioner has forged life certificate in collusion with A2 and A3 and had grabbed the property. The sale deed was executed on 10.06.2021. The complaint was filed in the year 2025. It is now reported that a civil suit for declaration 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 petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in



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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 **learned Judicial**

Magistrate-II, Salem, Salem District, 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 condition that:

[a] the petitioner 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 petitioner shall report before the respondent police once a week 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 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**



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of Kerala [(2005)AIR SCW 5560];

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[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 BNS.

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Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police,
CCB-II, Salem City, Salem.

2.The learned Judicial Magistrate-II,
Salem, Salem District

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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