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CRL O.P. No.6885 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.6885 of 2025

1. Ramasamy S/o. Pachamuthu
2. Periyasamy S/o. Pachamuthu
3. Pachiyammal W/o. Pachamuthu
4. Sivaprakasam S/o. Vaithi
5. Prakasam S/o. Ashokan
6. Selvi W/o. Ramasamy ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Tharamangalam Police Station,
Salem District. ... Respondent
[Cr. No.118 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in

Crime No.118 of 2025 on the file of the respondent police.

For Petitioners : Mr. Vinoth.M.
For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER



CRL O.P. No.6885 of 2025

WEB COPY

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 319(2), 318(4), 336(3) and 340(2) of B.N.S. in connection with the case in Crime No.118 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners joined together and impersonated the mother of the defacto complainant by making use of the similarity in the name and a Sale deed was executed by the 1st petitioner in favour of this petitioner, who is the wife of the 1st petitioner; that the other petitioners abetted the other accused in the commission of offences and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would contend that the petitioners and the defacto complainant are closely related to each other; that the allegations against the petitioners are false; that in case case, the petitioners have now cancelled the sale deed by Doc. No.9090 of 2024 on the file of Sub-Registrar Office, Tharamangalam; that considering the aforesaid facts and the relationship between the parties, custodial



CRL O.P. No.6885 of 2025

WEB COPY

interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, confirmed the fact that the petitioners have cancelled the sale deed, which was executed through impersonation.

5. Considering the nature of allegations, the fact that the petitioners have cancelled the sale deed, the allegations are borne out by records and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

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 of receipt of a copy of this order, before the learned



CRL O.P. No.6885 of 2025

WEB COPY

Judicial Magistrate, Omalur on condition that the petitioners shall each execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 as and when required for interrogation;

[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



CRL O.P. No.6885 of 2025

WEB COPY

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]; and

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

26.03.2025

mjs

To

- 1.The Judicial Magistrate, Omalur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Tharamangalam Police Station, Salem District.

SUNDER MOHAN. J.,

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CRL O.P. No.6885 of 2025

CRL O.P. No.6885 of 2025

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