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Crl.O.P.No.7066 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.04.2025

PRONOUNCED ON : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7066 of 2025

1. Sakthiganesh

2. Rajamani

... Petitioners/A4 & A5

Vs.

State, Rep. by Inspector of Police

CBCID,

Erode District.

(Crime No.2 of 2025)

... Respondent/complainant

[The defaco complainant permitted to intervene as per the order of this Court [SMJ] dated 07.04.2025 made in Crl.M.P.No.6360 of 2025]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.2 of 2025, on the file of the respondent Police.

For Petitioners : Mr.John Sathyan, Sr. Advocate
for Mr.Guruprasad Manoharan

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

For Intervenor : Mr.Manuraj



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ORDER

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The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 468 and 471 of IPC in Crime No.2 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had executed a sale deed in respect of 9.66 acres in S.Nos.1583/2B, 1583/3, 1584/1A, 1584/1B and 1584/3 at a village in Erode, as security, in favour of one N.S.Babu and D.Saravanan; that they in turn sold the property to the first and second accused viz., one Shanmugam Ramasamy and Sivasambu; that A1 and A2 had executed a sale deed on 04.04.2024 by document bearing No.2613 of 2024 in favour of the petitioners herein; that thereafter misusing the power of attorney, A2 had executed a sale deed in favour of A1 for an extent of 95 cents, which includes a pathway of 30 cents, by producing forged life certificate of the defacto complainant; that thereafter, the property was transferred vide Sale Deed No.2616 of 2024 dated 04.04.2024, in favour of the second petitioner herein / A5 and A6 (the son of A1); that since the said property belongs to the defacto complainant, the said petitioners have committed the



aforesaid offences.

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3. Mr.John Sathyan, the learned senior counsel appearing for the petitioners would submit that the 1st petitioner was not involved in the alleged transaction pertaining to the sale deed in respect of 95 cents; that the petitioners are bonafide purchasers; that they had purchased the property for a valuable consideration by sale deed dated 04.04.2024; that the allegation that the sale in respect of 9 acres and 67 cents was made in favour of one N.S.Babu and D.Saravanan only as a security for the loan advanced by them cannot be countenanced as there is nothing on record to substantiate the same; and that in any case, the allegations are borne out by records and custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. Mr.Manuraj, the learned counsel for the defacto complainant however, vehemently opposed the grant of anticipatory bail stating that the sale deed in respect of 95 cents of land was executed by A1 in favour of A2 by cancelling a sale agreement between the defacto complainant and the first accused by misusing the power of attorney in his favour; that the life certificate of the defacto complainant was forged and thereafter, the sale deed was executed in favour of A1 and A3; and that since A5 the second petitioner herein and A6,



son of A1 are the subsequent purchasers, the conspiracy is proved and the petitioners are also involved in the forgery of records; and that they cannot be treated as innocent purchasers.

5. Heard the learned Government Advocate (Crl. Side), who reiterated the prosecution case and opposed the petition for anticipatory bail

6. The execution of sale deed in respect of 9 acres and 67 cents of land in favour of certain persons who in turn sold it to the petitioners is not in dispute. As regards the property measuring 95 cents, it is the grievance of the defacto complainant that A1 had misused the power of attorney and had cancelled the sale agreement between the defacto complainant and the A1 and in turn executed a sale deed in favour of A2 in the year 2023; that in order to execute the said sale deed, he had forged the life certificate of the defacto complainant. The petitioners are subsequent purchasers. In fact only the 2nd respondent is the purchaser in the document along with A6, who is the son of A1. It is the case of the defacto complainant that from this fact, conspiracy can be inferred.

7. However, the question is whether custodial interrogation is required. Considering the fact that the initial transactions, where forged life certificate is



said to have been used, took place in the year 2023 and the fact that the petitioners are subsequent purchasers, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 made ready, before **the learned Judicial Magistrate No.III, Erode** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each **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 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 1st Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police, as and when required for interrogation.



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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

07.04.2025

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SUNDER MOHAN, J.

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To
1.The Judicial Magistrate No.III,
Erode.

2.The Inspector of Police,
CBCID,
Erode District.

3.The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.7066 of 2025

07.04.2025