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Crl.O.P.No.7538 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7538 of 2025

1. Muthu
2. Ramesh

... Petitioners/A3 & A4

Vs.

State, Rep. by Inspector of Police
CCB, Team III, Avadi,
Chennai – 54.
(Crime No.19 of 2025)

... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.19 of 2025, on the file of the respondent Police.

For Petitioners : Mr.Sivakumar K

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

ORDER

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 467, 471 and 420 of IPC in Crime No.19 of 2025, on the file of the respondent



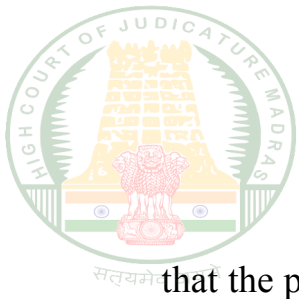
police, seek anticipatory bail.

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2. The case of the prosecution is that the first accused impersonated the defacto complainant and executed a power of attorney deed in favour of himself, in which the petitioners herein/A3 and A4 were witnesses and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioners would submit that the allegations are false; that the petitioners have signed the document as witnesses and are not aware of the alleged impersonation; that in a similar case, this Court has granted anticipatory bail where the petitioners have signed as a witness; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed that the petitioners have signed as witnesses.



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5. Considering the fact that the allegations are borne out by records; that the petitioners have signed as witnesses in a document; and that the alleged impersonation took place in the year 2022, 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.

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 on which the order copy made ready, before **the learned Judicial Magistrate No.II, Ponneri** 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 Petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.



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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.

21.03.2025

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SUNDER MOHAN, J.

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To
1.The Judicial Magistrate No.II,
Ponneri.

2.The Inspector of Police,
CCB, Team III, Avadi,
Chennai – 54.

3.The Public Prosecutor,
High Court of Madras.

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