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Crl.OP.No.7686 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7686 of 2025

1. Palanisamy
2. Subramaniam ... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City. ... Respondent(s)/ Complainant
Crime No.235 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.235 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.Govi Ganesan
For Respondent(s) : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 466 and 468 of IPC in Crime No.235 of 2025, seek anticipatory bail.

2. It is the case of the prosecution that, after the death of one Mara Naicker, the petitioners fraudulently obtained a legal heir certificate, claiming themselves to be the only legal heirs of Late.Mara Naicker by excluding the name of the defacto complainant.

3. The learned counsel for the petitioners would submit that the defacto complainant has filed a Suit in O.S.No.196 of 2021 on the file of the I Additional District Court, Tiruppur, which is still pending; that the petitioners and their mother have specifically pleaded that the defacto complainant is a total stranger to the family and not a legal heir; and that the allegations are false, as the defacto complainant is attempting to convert a civil dispute into a criminal complaint.



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4. Heard learned Government Advocate (Crl.Side) appearing for the respondent, who reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioners.

5. Considering the nature of allegations, the fact that a civil suit is pending between the parties in O.S.No.196 of 2021; and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court 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 is made ready, before the learned **Judicial Magistrate No.1, Tiruppur**, 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:

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[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 appear before the respondent police daily at 10.30 a.m., until further orders.

[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



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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.

17.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police, Tiruppur North Police Station, Tiruppur City.
2. The Public Prosecutor, Madras High Court, Chennai.

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3. Judicial Magistrate No.1, Tiruppur.

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SUNDER MOHAN, J.

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