



Crl.OP.No.8223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8223 of 2025

V.Sivasamy

.. Petitioner/Accused

Vs.

The State rep by
The Station House Officer
CB-CID Police Station,
through Public Prosecutor
Puducherry.
(Crime No.06 of 2024)

.. 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 his arrest in Crime No.06 of 2024 on the file of the respondent Police.

For Petitioner : Mr.A.V.Arun
for Ms.S.Saranya

For Respondent : Mr.K.S.Mohandoss
Addnl. Public Prosecutor (Pondy)

ORDER

The petitioner/Accused, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 419, 420, 468,
471 r/w 34 of BNS, 2023 in Crime No.06 of 2024, seeks anticipatory bail.



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2. It is the case of the prosecution that the first accused impersonated as one Priya @ Pachayammal, who died in the year 2001 and executed a power of attorney in favour of A2 ; that on the strength of the power of attorney, A2 executed sale deed in favour of A3; and that A3 sold the property to A4 and other accused and thus committed the aforesaid offences.

3. (i) The learned counsel for the petitioner would submit that the petitioner was working as a Sub Registrar and a complaint was lodged, since the District Registrar had ordered a discreet enquiry and the present Sub Registrar had given a report stating that a false life certificate was produced before the Sub Registrar/petitioner and subsequently it was found that the said Priya, who is said to have executed the Power of attorney, died in the year 2001.

(ii) The learned counsel therefore submitted that the petitioner has nothing to do with the alleged offences committed by the other accused; that he had registered the document as per the instructions; and that in any case, the allegations are borne out by records and custodial interrogation of the petitioner is not required for the purpose of investigation, and prayed for



anticipatory bail.

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4. The learned Additional Public Prosecutor (Puducherry) while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the Sub Registrar/petitioner herein was also involved in the offence along with the other accused.

5. Admittedly, the main accused were all arrested and released on bail under Section 167 (2)(a) of Cr.P.C.

6. Considering the nature of allegations against the petitioner and the fact that the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner on certain conditions.

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



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Magistrate, Puducherry, on condition that the petitioner shall execute a 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 condition that:

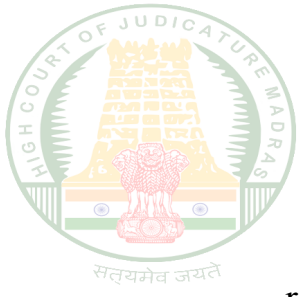
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily 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 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].



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

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Index : Yes / No
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To

1.The Station House Officer
CB-CID Police Station,
through Public Prosecutor
Puducherry.

2.The Judicial Magistrate,
Puducherry.

3.The Public Prosecutor,
Puducherry.



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SUNDER MOHAN, J.

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