



Crl.OP.No.8485 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8485 of 2025

1. Palaniappan
2. Kannappan
3. Murugappan ... Petitioners/Accused

Vs.

State, Rep. by Inspector of Police
District Crime Branch,
Salem District.
(Crime No.3 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.3 of 2025, on the file of the respondent Police.

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

ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 419 & 420 of IPC in Crime No.3 of 2025, on the file of the respondent police,



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seek anticipatory bail.

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2. The case of the defacto complainant is that the defacto complainant's grandfather was the original lessee of the land measuring 238.5 acres in Yercaud; that thereafter by Government order, the said property was assigned to three persons including his grandfather; that claiming 1/3 share in the said land, the defacto complainant's grandfather filed a partition suit in OS No.582 of 1932 on the file of the learned District Munsif, Salem; that on 05.11.1932, the defacto complainant's grandfather died; that the accused by falsely stating that one Mrs.Walter Pounsely Scott was the legal heir of the defacto complainant's grandfather, prepared false documents and sold the property to a coffee manufacturing company; that the accused grabbed the land in the aforesaid manner and got the patta transferred in the year 1983; that thereafter, the defacto complainant's father died in the year 1988 and thus, the accused committed the aforesaid offences.

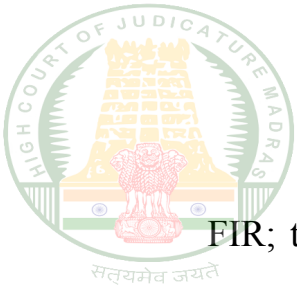
3. The learned counsel appearing for the petitioners would submit



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that the petitioners are the legal heirs of one of the accused shown in the

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FIR; that even according to the complaint, the alleged impersonation took place in the year 1937 and the patta was transferred in the year 1983; that neither the defacto complainant nor his father had filed any civil suit questioning the documents so far; that even a civil Suit would not lie at this stage and the offence under Section 420 IPC is not made out; 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 (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the alleged transaction took place in the year 1937 and the patta was transferred in the year 1983.

5. Considering the aforesaid facts and the nature of the allegations against these petitioners, 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.



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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.VI, Salem** 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 as and when required for the purpose of investigation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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.

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Index : Yes / No
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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
District Crime Branch,
Salem District.

2.The Judicial Magistrate No.VI, Salem.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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