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CrI.OP.No.9881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.9881 of 2025

Saminathan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kanathur Police Station,
Chennai District.
(Crime No.10 of 2025)

.. 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 arrest in Crime No.10 of 2025 on the file of the respondent Police.

For Petitioner : M/s.K.Dilli Ganesh

For Respondent : Mr.J.R.Archana
Government Advocate(CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 318(4), 329(3), 336(3), 337
and 340(2) of BNS in Crime No.10 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the accused forged the



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Aadhar card, death certificate and legal certificate of the defacto complainant and attempted to sell the property to the petitioner herein; and that the petitioner was aware of the conspiracy and committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner, aged 67 years, is a bonafide purchaser; that the co-accused has been arrested and released on bail; and that no loss has been caused to the defacto complainant as the property has not yet been transferred to any third party.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has committed the offences and attempted to transfer the property by forging the certificates and documents.

5. Admittedly, the co-accused was arrested and released on bail. According to the prosecution, the petitioner is the person who intended to



purchase the said property. The property has not been sold. Considering the aforesaid facts, the nature of allegations, and since the allegations are borne out by the records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Sholinganallur**, 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:

[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 once a week at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either



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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]**;

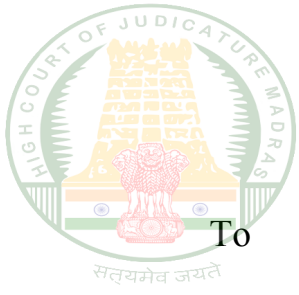
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No

Internet : Yes / No

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To

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1. The Inspector of Police,
Kanathur Police Station,
Chennai District.
2. The learned District Munsif cum Judicial Magistrate,
Sholinganallur.
3. The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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