

Crl.O.P.No.11961 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.11961 of 2025

Elumalai

... Petitioner

-VS-

The State Represented by,
The Sub Inspector of Police,
Vadaponbarappi Police Station,
Kallakurichi District.

(Crime No.104 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail in the
event of their arrest by the respondent police in Crime No.104 of 2025 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 465, 466, 467, 468, 471 & 472 of IPC and Section 82(d) of Registration Act, in Crime No.104 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused, Subramaniam forged the death certificates of Subramaniam's father, mother, grand father and grand mother as well as the legal heirship certificate of his father, by creating the forged seal of the Tahsildar. Further, the petitioner/A2 altered the revenue records in collusion with the VAO and got registered the sale deed in favour of the petitioner/A2. Hence the case.

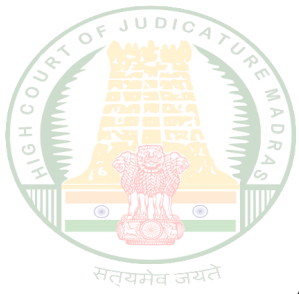
3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in possession and enjoyment of the said property and had obtained revenue patta in his name and put up construction in the said property, when his electricity connection was refused, the petitioner



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approached the Hon'ble High Court by filing Writ Petition in W.P.No.33767 of 2023 and obtained electricity connection and also patta in his favour. As against this order, the Tahsildar of Sankarapuram filed Writ Appeal in W.A.No.1014 of 2025 and the same is pending, for which the second petitioner was arrested and remanded into judicial custody, based on his confession, the petitioner was roped into this case. He further submitted that the petitioner is no way connected with the alleged occurrence and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally two accused in this case and the petitioner herein is ranked as A1. He further submitted that the petitioner/A2 forged the patta and executed the sale deed in favour of A1. He further submitted that as per the direction of the Hon'ble High Court, the Tahsildar issued patta and electricity connection in favour of the petitioner. He further submitted that if the said land is required for public purpose, it is open to the Government to acquire the land. However, he opposed to grant bail to the petitioner.



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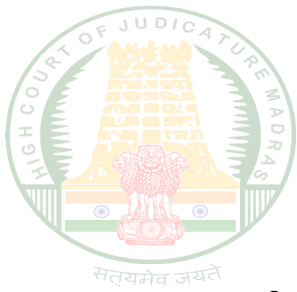
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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, and taking note of the direction of this Hon'ble High Court, and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sankarapuram, Kallakurichi District**, 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 learned Magistrate concerned and on further condition that:

(a) **the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m, from Monday to Friday and shall further**



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appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

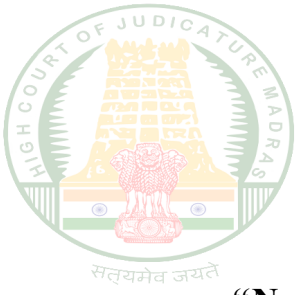
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

(f) the petitioner is directed not to encumbrance or alienate the property till the disposal of the trial proceedings in the above Crime Number.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The Sub Inspector of Police,
Vadaponbarappi Police Station,
Kallakurichi District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Judicial Magistrate,
Sankarapuram, Kallakurichi District,



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N.SENTHILKUMAR,J

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