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Crl.O.P.No.12083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.05.2025**

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL.O.P.No.12083 of 2025

1.Periyasamy

2.Ashok Kumar

... Petitioners/ Accused 2 & 3

Versus

The State Rep by its
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
(Crime No. 384 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.384 of 2024 on the file of the respondent Police.

For Petitioners : Mr.V.Gunasekar

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 423, 465, 466, 467, 468 & 471 of IPC in



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Crime No.384 of 2024, seek anticipatory bail.

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2. The case of the prosecution is that the property in Survey No.170/2A belonging to the defacto complainant was sold to the petitioners through A1 by creating forged legal heir certificate; and that the petitioners are the purchasers of the said property. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that there is a civil dispute between A1 and the defacto complainant; that the petitioners are bonafide purchasers; and that in any case, custodial interrogation of the petitioners is not required. Hence, he prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed the fact that there is a civil dispute between A1 and the defacto complainant.



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5. Considering the aforesaid facts, nature of allegations, and since the allegations are borne out by the records, 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-I, Kallakurichi**, 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 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 everyday at **10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.**

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



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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 absconds, a fresh FIR can be registered under Section 269 BNS.

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dpa/skr

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 official website of this court will be watermarked and will also have a QR code.**



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To

- 1.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
- 2.The learned Judicial Magistrate-I, Kallakurichi
- 3.The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

dpa/skr

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