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Crl.O.P.No.18043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.18043 of 2025

Venkadesan

... Petitioner/A1

Vs

The State rep by
the Inspector of Police,
Sankarapuram Police Station
Kallakurichi District.
(Crime No.126 of 2025)

... Respondent

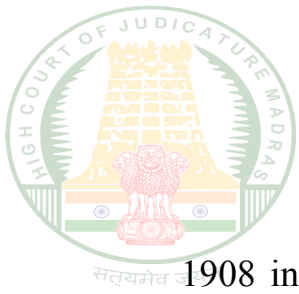
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.126 of 2025 on the file of the respondent police.

For petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4), 322, 338, 336(2), 336(3) and 340(2) of BNS, 2023 and Section 82(d) of The Registration Act,



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1908 in Crime No.126 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused, had created forged documents, such as patta, legal heirship certificate to show that the petitioner is the sole legal heir of his father and executed a settlement deed in respect of the disputed property, which belongs to the de-facto complainant and other family members. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner's wife had filed a suit in O.S.No.1036 of 2024 before the Sub Court, Kallakurichi. During the pendency of the suit, the de-facto complainant had filed a false complaint against the petitioner. He further submitted that co-accused/A2 has been granted anticipatory bail by this Court. Hence, prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner forged the legal heirship certificate, in which, his name has been shown as the sole legal heir, though



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there are two other legal heirs and executed a settlement deed in favour of his wife. He further submitted that co-accused/A2 has been granted anticipatory bail by this Court. However, he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent Police and perused the materials available on record.

6. Considering the submissions made on either side, it is seen that the petitioner had created a fake legal heirship certificate suppressing the other legal heirs and executed a settlement deed in favour of his wife. Already civil suit is pending between the parties in O.S.No.1036 of 2024. But the fact reveals that the petitioner obtained a legal heirship certificate fraudulently by suppressing the real legal heirs. Now the revenue authorities was also directed to take necessary action to cancel the legal heirship certificate. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 made ready, before the **learned Judicial Magistrate, Sankarapuram** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties, of whom, one surety must be a blood relative of the petitioner,** 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 on every Tuesday at 10.30 a.m., for a period of three months and co-operate for the investigation;

[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.



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[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 of BNS.

8.The Tahsildar, Kallakurichi is directed to issue notice to all the legal heirs concerned and thereafter to issue proper Legal Heirship Certificate.

11.09.2025

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Copy to:

The Tahsildar, Kallakurichi.



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T.V.THAMILSELVI, J.

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To

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

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