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CRL OP No. 18324 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18324 of 2025

R.Sabesan

Petitioner(s)

Vs

The State rep by Inspector of Police
Central Crime Branch, AC II n Team II,
Tamabaram Commisionarate,
Sholinganallur, Chennai 600119.

Respondent(s)

PRAYER

This Criminal Original Petition is filed to enlarge the Petitioner on bail in the event of his arrest by the Respondent police pending investigation of the case in Crime No. (not known) of 2025 on the file of the Respondent Police and thus render justice.

For Petitioner(s): M/S.A. NATARAJAN SC FOR
Mr.Palanichamy CP

For Respondent(s): M/s. Leonard Arul Joseph
Selvam GA (crl. Side)

For Intervenor: Mr.M. Madan Babu

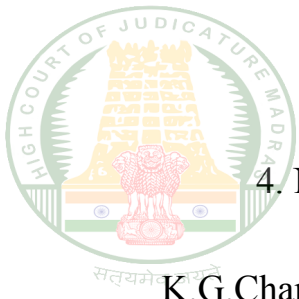


ORDER

WEB COPY The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 of IPC / Section 316 and 318(4) of BNS in Crime No. Not known of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's late father K.B.Gopinathan, had purchased properties in Pallikarnai village, Sholinganallur Taluk, and after developing a layout, sold some plots to various individuals. However, some of the unsold plots have been grabbed by the land grabbers using impersonated identities and fraudulent documents. Hence, the case.

3. The learned senior counsel appearing for the petitioner would submit the defacto complainant purchased two plots in No.66 and 73 by arranging bank loan in the year 2004.



4. Now, one Rajeshwari, the power of attorney of the defacto complainant

K.G.Chandran, had executed a sale deed, and property has been registered in

Doc.No.4668 of 2014. This being so, after 20 years, the present complaint has been lodged.

5. The defacto complainant's father K.B.Gopinathan, as promoter, had developed layout of 116 plots and some of the plots were sold, and when his father died in the year 1992, some plots remained unsold. Coming to know about it, the petitioner had impersonated the defacto complainant and his brother, and executed forged Power of Attorney in favour of the Rajeswari, created a sale document when the defacto complainant visited the plot, he found the impersonation and fraud committed by the petitioner. Since, the property in that area had developed, the petitioner had created forged documents, and using the forged documents attempted to misuse the property. Now, a civil suit in C.S.No.30 of 2025 has been filed before the learned District Munsif cum Judicial Magistrate, Sholinganallur.



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6. The learned Government Advocate (Crl.Side) submits that now a case has been registered in Crime No.20 of 2025 on 05/07/2025 for offence under Section 419, 420, 465, 467, 468, 471 and 34 IPC against the petitioner and 17 others.

7. The learned counsel for the Intervener submits that allegations levelled against the petitioner are in grave in nature and if that petitioner is released on anticipatory bail, there possibilities tampering the witnesses and hampering the investigation, hence, raised strong objection for grant of anticipatory bail to the petitioner.

8. At this juncture, the learned counsel for the petitioner, on instructions submits that petitioner is ready to appear and cooperate for the investigation and will produce all relevant documents and prays for grant of anticipatory bail to the petitioner.

9. Heard the learned Senior counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Criminal



Side) for the respondent police and perused the materials available on record.

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10. Considering the submissions made by the learned counsel appearing on either sides and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. 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 No.1, Tambaram** on condition that of 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said



Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

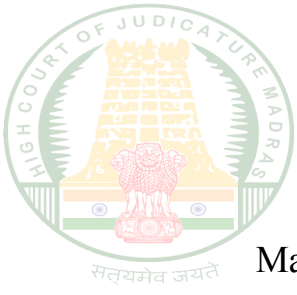
[d] the petitioner shall cooperate for the investigation and produce all the relevant document available with him to the investigation officer.

[e] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall make himself available for interrogation by a Police office as and when required;

[g] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[h] the petitioner shall not abscond either during investigation or trial;



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[i] 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];

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

07-07-2025

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To

1.The Inspector of Police
Central Crime Branch, AC II , Team II,
Tambaram Commisionarate,
Sholinganallur, Chennai 600119.

2. The Judicial Magistrate No.I,
Tambaram.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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