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Crl.O.P.No.19264 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19264 of 2025

K.Raja

... Petitioner

Vs.

The State represented 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 petitioners on anticipatory bail in the event of their arrest in connection with Crime No.10 of 2025 on the file of respondent Police.

For Petitioner : Mr.R.Yuvaraj
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

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



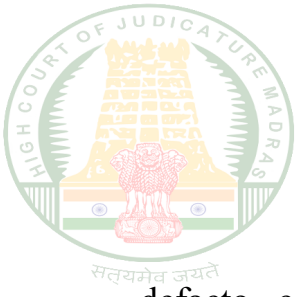
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2. The case of the prosecution is that the accused forged the Aadhar card, death certificate and legal certificate of the defacto complainant and attempted to sell the property to the petitioner herein; and that the petitioner was aware of the conspiracy and committed the aforesaid offences.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner name was not found in the FIR; that on the confession of the co-accused, the petitioner has been arrayed as an accused. He further submitted that the petitioner is only a document writer and he has no role with other accused. He further submitted that the co-accused/A3 was granted bail by this Court in Crl.OP.No.9881 of 2025 dated 07.04.2025. Hence, he prays for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner. He submitted that the property belongs to the defacto complainant. He further submitted that A1, A2 and A3 acted as brokers, while the petitioner herein is the document writer, A5 allegedly engaged engaged A6 and A7, who impersonated the defacto complainant and his son. A8 is said to have created documents and attempted to execute a sale deed. However, since the



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defacto complainant received the OTP of the Aadhar card used by the impersonators, he immediately approached the SRO office, raised his objection and lodged a complaint. He further submitted that no encumbrance has been created on the property.

5. Heard both sides and perused the materials available on record.

6. Considering the submission made by the learned counsel appearing on both sides, the petitioner is only a document writer, the co-accused/A3 was released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

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 **District Munsif cum Judicial Magistrate, Sholinganallur** on condition that 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:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[d] the petitioner shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

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

[f] 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to



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pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

31.07.2025

drl

To

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



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M.NIRMAL KUMAR, J.

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