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Crl.O.P.No.19445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.19445 of 2025

1.Santhi
2.S.Nandhagopal
3.P.Kandhasamy

... Petitioners / A1 to A3

Vs.

The State Represented By,
The Inspector of Police,
Kodumudi Police Station,
Erode District.
(Crime No.89 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C R/w 482 of BNSS, to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.89 of 2025, pending investigation on the file of Respondent Police.

For Petitioner : Mr.B.Singaravelu
For Respondent : Mr.A.Gopinath,
Government Advocate (Criminal Side)
For Intervenor : Mr.R.Prabakar



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ORDER

The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 468, 471, 341 and 506(i) I.P.C, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioners is that A1, by including the land belonging to others, executed a settlement deed in favour of A2 in the year 2009, which was not acted upon during his lifetime. Subsequently, a complaint has been lodged.

3. The learned counsel appearing for the petitioners submitted that, based on a Will, A1 executed a settlement deed in favour of A2, and the said transaction took place in the year 2009. However, the complaint has been lodged belatedly. Hence, he prays that anticipatory bail be granted to the petitioners.

4. The learned counsel for the intervenor submitted that the de-facto complainant purchased the property through the legal heirs of the original owners. During this process, they came to know that A1, who originally owned only one acre of land, had included lands belonging to others to the extent of four acres and executed a settlement deed in favour of A2. It is further submitted that the other accused had conspired and colluded in the



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said act. Hence, he opposes the grant of anticipatory bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that, as per the F.I.R, investigation is still pending. Therefore, he opposed the grant of anticipatory bail to the petitioners.

6. Heard the learned counsels on either side and perused the materials available on record.

7. Considering the fact that the entire transaction is alleged to have been taken place in the year 2009 and that the allegations relate to fabrication and alteration of records, I am of the considered view that custodial interrogation is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Kodumudi**, on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:



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[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, 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 petitioners shall co-operate for the investigation and shall submit their signatures if any required by the Investigating Officer.

[d]the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

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To

- 1.The District Munsif-cum-Judicial Magistrate, Kodumudi.
- 2.The Inspector of Police,
Kodumudi Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.,

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