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Crl.O.P.No.20666 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20666 of 2025

Rajan

.. Petitioner/A2

Vs.

The State Rep by,
The Inspector of Police,
Kothagiri Police Station,
Nilgiris District.
(Crime No.91 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in the event of his arrest in Crime No.91 of 2025 on the file of the Inspector of Police, Kothagiri Police Station, Nilgiris.

For Petitioner : Mr.A.Nagarajan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

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2. The case of the prosecution is that the first accused is the former member of Legislative Assembly. The first accused along with his brother, A2, viz., Rajan other accused colluded together had purchased a stamp paper for Rs.50/- dated 08.02.2012 and 22.02.2012 from one stamp paper vendor, namely Koshi, thereafter they had used the same and entered agreement in the name of Navilkal Estate Tea Factory after changing dates by over writing and pre-dated as 31.05.2006 and 22.02.2010 and the same was confirmed by the District Registrar, Udagamandalam, during the time of enquiry. Hence, the case.

3. The contention of the petitioner is that in the year 1949 Tea Estate business was started with 3.75 acres. Thereafter, the petitioner and other

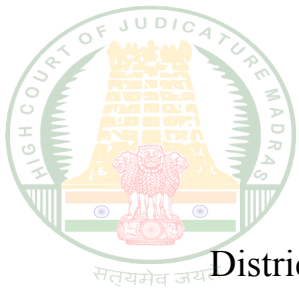


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accused acquired properties and Estate of 50 acres in a partnership name between two brothers namely Jogi Goudar and Nandhi Goudar. It is further submitted that there was a partnership deed which has been registered on 11.04.2012 as document No.37 of 2012 in SRO, Ooty. The petitioner was served with a 41A notice dated 08.04.2025. The Petitioner had appeared and narrated all the consequences which had happened from 1949 till date and also about the functioning of the Tea factory and also other facts. In fact, in reply, he had annexed thirteen documents from 1949 to 1987 in support of his contention. This being so, the respondent Police has not considered the same and First Information Report has been registered on 13.06.2025, based on the complaint given by one Thilak, in which there is no reference about the petitioner's earlier reply. He further submits that the petitioner is innocent and has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is still in progress. He further submitted that the Nilgiris

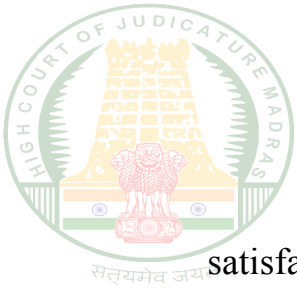


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District Registration Department in Na.Ka.No.1656 of 2023 dated 22.01.2024, had conducted an enquiry and gave a report that the stamp paper dated 01.06.2006 is found to be sold by one Goshi who is no more. Hence, the genuineness of the stamp paper are to be verified. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Kothagiri, Nilgiris District** 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



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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;

[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 for a period of three weeks and thereafter, as and when required for further interrogation;

[d] 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;

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



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

[h] 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];

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

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To

- 1.The Judicial Magistrate, Kothagiri,
Nilgiris District.
- 2.The Inspector of Police,
Kothagiri Police Station,
Nilgiris District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR, J.

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