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Crl.O.P.No.22268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22268 of 2025

S.Poonguzhali

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Central Crime Branch,
Tambaram City,
(AC II – LFIW II)
Tambaram City Commissionerate,
Sholinganallur, Chennai – 600 119.
Crime No.20 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest made by the respondent police in Crime No.20 of 2025 on the file of respondent Police.

For Petitioner : Mr.A.P.Pasupathy

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

For Intervener : Mr.M.Madan Babu



Crl.O.P.No.22268 of 2025

WEB COPY

ORDER

The petition for anticipatory bail for the offence punishable under Sections 419, 420, 465, 467, 468, 471 r/w 34 IPC, in Crime No.20 of 2025 registered on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant alleges that by impersonation, A1 sold the property to various persons, and when he applied for EC, he claimed to know about the illegal transfer of property by impersonation.

3. The learned counsel for the petitioner submits that the petitioner is a bonafide purchaser for value in the year 2004-2005. For nearly 20 years, he has been in possession of the property, and the revenue records also mutator, and the land has been promoted as residential plots. In this connection, a civil suit is already pending in O.S.No.116 of 2025 before the District Munsif cum Judicial Magistrate, Sholinghur. Meanwhile, the criminal complaint with false allegations that the petitioner has been involved in the crime of impersonation has been registered against him.



CrI.O.P.No.22268 of 2025

WEB COPY

4. The learned counsel for the intervener opposed for the grant of anticipatory bail to the petitioner stating that the co-accused was granted bail but has not complied with the bail condition, and all the documents related to impersonation and fabrication are in possession of this petitioner.

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

6. This Court on considering the submissions and the fact that the transfer of property was taken as a source in the year 2004-2005, whereas the minor complaint and the Civil Suit were filed only in the year 2025, that is, after 20 years, concludes that an investigation has to be conducted to determine whether there was any fabrication of records and impersonation for that purpose. Thus, custodial purpose for this petitioner is not required, and cooperation for investigation is sufficient. Hence, 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, **on or before 12.09.2025** before the learned



Crl.O.P.No.22268 of 2025

Judicial Magistrate No.I, Alandur, on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate on or before 12.09.2025, 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 appear before the respondent police and produce all the original documents required for the investigation. On receipt of the original documents, they shall be sent for expert opinion for the completion of investigation.

(d) the petitioner shall appear before the respondent police, daily at 10.30 a.m, until further orders.

(e) the petitioner is directed to file an undertaking affidavit before the trial court, stating that he shall not alienate the property till the completion of investigation.

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



Crl.O.P.No.22268 of 2025

WEB COPY

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];**

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

28.08.2025

drl

To

1.The Judicial Magistrate No.I,
Alandur.

2.The Inspector of Police,
The Inspector of Police,
Central Crime Branch,
Tambaram City,
(AC II – LFIW II)
Tambaram City Commissionerate,
Sholinganallur, Chennai – 600 119.

3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.

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Crl.O.P.No.22268 of 2025

Crl.O.P.No.22268 of 2025

28.08.2025