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Crl.O.P.No.22623 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.22623 of 2025

Sivakumar

... Petitioner/ A8

Vs

The State rep. by,
The Inspector of Police,
District Crime Branch,
Salem, Salem District.
(Crime No.9 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
the event of arrest in Crime No.09 of 2025 on the file of the respondent
police.

For Petitioner(s) : Mr. T. Muruganantham

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



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 468, 471 of IPC and 82(a) of Registration Act in Crime No.09 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused namely Kandasami conspired together with other accused and by means of fabrication of documents, obtained Legal Heirship certificate, as if he is the only son of the defacto complainant's mother namely Gandhayee and executed a settlement deed over the property belonging to Gandhayee in favour of his son Manickam, who is the second accused; that the allegation against the petitioner herein is that he acted as an assistant to the document writer namely Senthilkumar, who drafted the said settlement deed executed by A1 in favour of A2. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he was not involved in the above said offence. He further submitted that the petitioner



does not know about the history and real owner of the property and further the co-accused namely Govindasamy was already granted anticipatory bail by this Court, vide order dated 19.08.2025 in Crl.O.P.No.22934 of 2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that there are totally 10 accused involved in this case and the petitioner is arrayed as A8. He further submitted that the co-accused/ A10 namely Govindasamy, who is the Sub Registrar of Magundachavadi SRO was granted anticipatory bail by this Court; and that the said settlement was also subsequently cancelled based on the enquiry by the District Registrar.

5. Considering the facts and circumstances of this case, the allegation against this petitioner, the co-accused was already granted anticipatory bail and taking note of the fact that the settlement deed was also subsequently cancelled, this Court is inclined to grant anticipatory bail



to the petitioner with certain conditions.

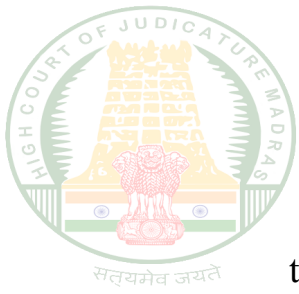
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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sankari** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 within a period of fifteen days from the date on which the order copy made ready, 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 daily at 10.30 a.m., until further orders;**



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

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

07.10.2025

stn

To

1. The Judicial Magistrate,
Sankari.
2. The Inspector of Police,
District Crime Branch,
Salem, Salem District.
(Crime No.9 of 2024)
3. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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