



Crl.OP.No.28106 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28106 of 2024

Kamalam

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Perundurai Police Station,
Erode District.
(Crime No.340 of 2023)

.. Respondent

Kalyani Kuppusamy

.. Defacto Complainant

[Permitted to intervene vide order of this Court [SMJ] dated 12.03.2025 made in Crl.M.P.No.47203 of 2025 in Crl.O.P.No.28106 of 2024]

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.340 of 2023 on the file of the respondent Police.

For Petitioner : M/s.M.Rajasekar

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

For Intervenor : Mr.S.Suganthan

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 419, 464, 467, 468, 470 and 109 IPC in Crime No.340 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had executed power of attorney in favour of A1, M/s.Bharanichithra Sway and the same had been cancelled on 02.02.2015; that, the said Bharanichithra Sway had forged the signature of the defacto complainant and executed another power of attorney in her favour and thereafter, entered into sale agreement with the petitioner who was aware of the forgery and hence, the petitioner, being the mother of A1, is guilty of the offences.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and that it is a civil dispute between the close relatives; that the petitioner is the sister of the defacto complainant's husband; that the petitioner is 77 years old and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the



petitioner, reiterated the prosecution case and submitted submitted that this is the 2nd anticipatory bail application of the petitioner and the 1st anticipatory bail application was dismissed on 25.03.2024. He further submitted that the respondent has filed the final report in January 2025.

5. The learned counsel appearing for the defacto complainant, vehemently opposed the grant of anticipatory bail to the petitioner, stating that the respondent has not investigated the case in a proper manner. He also further submitted that though the earlier anticipatory bail application filed by the petitioner was dismissed by this Court, the respondent police has not arrested the petitioner; that the defacto complainant is 75 years old and is now subjected to severe hardship due to the offence committed by the first accused.

6. Admittedly, the petitioner and the defacto complainant are close relatives and there is civil suit pending between the parties. The final report was also filed by the respondent. Though the earlier anticipatory bail application was dismissed on 25.03.2024, this Court finds that the



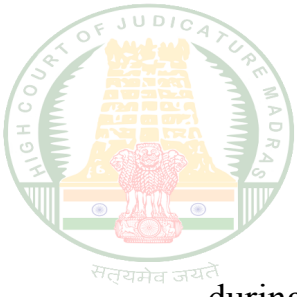
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investigation is now completed and the final report has been filed, and the petitioner was not arrested during the investigation. Considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required and is inclined to grant anticipatory bail to the petitioner with 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 is made ready, before the **Judicial Magistrate, Perundurai, Erode District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Trial Court on all hearing dates.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the 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)AIR SCW 5560]**;

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

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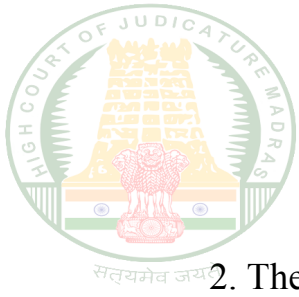
Index : Yes / No
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SUNDER MOHAN , J.

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To

1.The Inspector of Police,
Perundurai Police Station,
Erode District.



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2. The Judicial Magistrate, Perundurai,
Erode District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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