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Crl.OP.No.31375 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.31375 of 2024

1.K.C.Narayanan
2.M.V.Gopalan
3.K.C.Reena
4.M.V.Sreesha
5.M.V.Rijil Kumar

... Petitioners /Accused 1-5

Vs.

The State rep. by
The Inspector of Police,
CCB-I, Police Station,
Coimbatore City.

... Respondent/ Complainant

(Crime No.43 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.43 of 2024 by the respondent Police.

For petitioner : Mr.J.Franklin

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

For Intervenor : Mr.R.Kannan



ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 466, 468, 471, 420 and 506(ii) of IPC, in Crime No.43 of 2024, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that A2 was working as a Surveyor and colluded with A1 had created fake TSLR to make it appear that A1 is the owner of the property and that A1 had executed a Settlement Deed in favour of A3 and A3, who in turn executed an another Settlement Deed in favour of A4 and A5 and they in turn sold the property to the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and in any case, the allegations are only as against the petitioners 1 and 2/A1 & A2 and that the petitioners 3 to 5/A3 - A5 are recipients of the property and that they have nothing to do with the alleged forgery and sought for anticipatory bail and the learned counsel for the petitioner also made an endorsement withdrawing the petition insofar as A1



and A2/petitioners 1 and 2.

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4.The learned counsel for the defacto complainant would submit that because of forgery committed, the defacto complainant was unaware and could not verify the title and hence has lost a sum of Rs.82 lakhs being the sale consideration and opposed the grant of anticipatory bail.

5.Learned Government Advocate (Crl.Side) appearing for the respondent police would reiterate the case of the prosecution.

6.Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including counter affidavit.

7.Considering the nature of allegations against the petitioners 3 to 5 and since their custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners 3, 4 and 5 alone with certain conditions and the petition is



dismissed in respect of the petitioners 1 and 2.

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8. Accordingly, the petitioners 3 to 5 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **Judicial Magistrate No.7, Coimbatore**, on condition that the petitioners shall execute separate bond for sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 satisfaction of the said Magistrate, on further condition that:

[a] 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 petitioners 3 to 5 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners 3 to 5 shall not abscond either during investigation or trial;

[d] the petitioners 3 to 5 shall not tamper with evidence or witness



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 3 to 5 in accordance with law as if the conditions have been imposed and the petitioners 3 to 5 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* reported in [(2005)AIR SCW 5560];

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

12.02.2025
(1/2)

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To

1.The Inspector of Police,
CCB-I, Police Station,
Coimbatore City.

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

3.The Judicial Magistrate No.7, Coimbatore.

SUNDER MOHAN, J.



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