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Crl.O.P.No.31341 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.31341 of 2024

1. Manikandan
 2. Saravanakumar
 3. Bhuvaneshwari
 4. Kamalahassan
 5. Thirumorrthy
 6. Karpagam
 7. Rajammal
 8. Haripriyan
- ... Petitioners/Accused

Vs.

State, Rep. by Inspector of Police
Thirumurugan Poondi Police Station,
Tiruppur City, Tiruppur District.
(Crime No.400 of 2024) ... Respondent/complainant

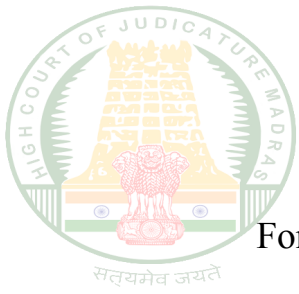
1. G.Vasanthamery
 2. G.Rajkumar
- ... Intervenors/defacto complainants

[Defacto complainants permitted to intervene as per the orders of this Court [SMJ] made in Crl.MP.No.18287 of 2024 dated 24.03.2025]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.400 of 2024, on the file of the respondent Police.

For Petitioners : Mr.K.Sudhakar

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



For Intervenors : Mr.A.Thiyagarajan
for Mr.T.Balaji

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ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468 and 471 of IPC in Crime No.400 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have forged the death certificate and legal heirship certificate of one Avinashi Valaiyan, who is the father of the defacto complainant and had claimed title in respect of the properties said to be belonging to the defacto complainant and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioners would submit that the allegations are false; that there are several suits pending between the parties viz., OS No.413 of 2010 on the file of District Munsif, Avinashi which was filed by the defacto complainant against the petitioner, for permanent injunction and OS.No.313 of 2019 on the file of II Additional District Court, Tiruppur, which was filed by the 1st petitioner/accused, seeking partition and declaration



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against the defacto complainants; that the death certificate and the legal heirship certificate, are not forged; and that the petitioner has produced the original certificates; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainants, however, in the typed set of papers, produced two other certificates in which it is shown that the legal heirship certificate and the death certificate were printed in a xerox shop and therefore submitted that considering the aforesaid facts, since forgery has been committed, the petitioner is not entitled to anticipatory bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and filed a counter affidavit to show that the death certificate and the legal heirship certificate produced by the petitioners before the Civil Court, are genuine.

6. Considering the fact that dispute between the parties is being adjudicated before the civil Courts and the fact that the investigation revealed



that the death certificate and the legal heirship certificate are genuine, this

Court is of the view that custodial interrogation of the petitioners is not

required for the purpose of investigation and is inclined to grant anticipatory

bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 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 on which the order copy made ready, before **the learned Judicial Magistrate, Avinashi**, on condition that the petitioners shall execute a separate bond for a 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 learned Magistrate concerned and on further condition that:

[a] the petitioners 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 Petitioners shall report before the respondent police twice a week i.e., on Monday and Thursday at 10.30 a.m., until further orders.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

24.03.2025

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SUNDER MOHAN, J.

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To

1.The Judicial Magistrate,
Avinashi.

2.The Inspector of Police,
Thirumurugan Poondi Police Station,
Tiruppur City, Tiruppur District.

3.The Public Prosecutor,
High Court of Madras.

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