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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.32825 of 2025

1. Krishnan
2. Venkatesan
3. Valliyammai
4. Asokan
5. Gomathi
6. Vasuki
7. Marimuthu
8. Alamelu

... Petitioners

Vs.

State Through
The Station House Officer,
Thiyagadurugam Police Station,
Kallakurichi District.
(Crime No.398 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.398 of 2025 on the file of the respondent police.

For Petitioners	: Mr.Prabakar Ramasamy
For Respondent	: Ms.J.R.Archana
	Government Advocate (Crl. Side)



ORDER

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The petitioners, who were apprehending arrest at the hands of the respondent police for the offences punishable under Sections 465, 468 and 471 of IPC, 1860 r/w 82(d) of Registration Act, 1908, in Crime No.398 of 2025, seek anticipatory bail.

2. The allegation against the petitioners is that they, in collusion with the other accused, have executed various documents pertaining to the property of the defacto complainant's maternal grandmother, Dhanapakkiyam. It is further alleged that certain Officers of the Registration Department have also facilitated the same and enabled the accused persons to obtain such documents. Hence the case.

3. The learned counsel for the petitioners submitted that the property in dispute originally belonged to one Unnamalai, and she has left behind several legal heirs. It is contended that certain lands falling within the share of the defacto complainant's grandmother have also been included in the documents executed between the parties. He further submitted that a civil suit in respect of the same property is already pending. Hence, custodial interrogation of the petitioners is not necessary. Accordingly, he prayed for



grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the FIR was registered recently and the investigation has not yet been completed. Hence, he opposed the grant of anticipatory bail to the petitioners.

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

6. I have carefully perused the records. It is seen that as early as in the year 1993, certain documents were executed by the family members of the accused, and subsequently further documents were executed in the year 2020. It is also stated that a portion of the lands dealt with by the petitioners forms part of the share of the defacto complainant's grandmother, one Dhanapakkiyam.

7. In view of the above facts, and considering the transactions in question took place several decades ago, this Court is of the opinion that



custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court – 2, Kallakurichi**, on condition that the petitioners 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 petitioners fail to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, 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 petitioners shall report before the



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respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

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

01.12.2025

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K.RAJASEKAR, J.

kmm

To

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1. The Judicial Magistrate Court – 2, Kallakurichi.

2. The Station House Officer,
Thiyagadurugam Police Station,
Kallakurichi District.

3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32825 of 2025

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