



CRL.OP(MD). No.130 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.130 of 2025

1.Sobha
2.Ranjith Kumar
3.Pandiyan
4.Paramarthalingam

... Petitioners/ Accused Nos.1 to 4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(Crime No.320 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.320 of 2024 on the file of the respondent police.

For Petitioners : Mr.M.Sankar

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Intervenor : Mr.A.Karthik

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 03.01.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 420 of IPC, 1860, in Crime No.320 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant's father owned land in Survey No.200/1C 28 and executed a Will dated 11.12.1987, registered as Document No.3/1987 before the Alangulam Sub-Registrar's Office in favour of the defacto complainant's sons, before his death. The defacto complainant has been in possession of the land for the past 30 years. The Adangal bearing No.10/1 stands in the name of the defacto complainant. However, A1 to A3, with the help of A4, the Sub-Registrar, forged the documents and suppressed the aforementioned Adangal, thereby registering the land as if it had been settled by the first petitioner to the second petitioner, vide Document Nos. 358/2024 and 5789/2024. Hence, the case.

4. Mr.M.Sankar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that this is a civil dispute and the defacto complainant has to work out his remedy before the competent civil Court. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the



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petitioners.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the pre-arrest bail was already granted to A2 to A4, by this Court on 07.01.2025 in this petition and the case was referred for mediation on 27.01.2025. He further submits that the documents allegedly executed by the first petitioner in favour of Accused No.3 are required for the purpose of investigation. Hence, the custodial interrogation of the first petitioner is necessary in this case. Accordingly, he prays to dismiss the petition insofar as the first petitioner is concerned.

6. Heard on both sides. This Court has perused the records.

7. The defacto complainant has filed a copy of the settlement deed dated 19.01.2024, executed by the first petitioner herein in favor of his son, Ranjith Kumar, the second respondent in respect of the property comprised in Survey No. 200/1C 28 (an extent of 0.04.0 hectares). The Patta No.25 pertaining to the property has been annexed to the said settlement deed. A joint patta has also been issued in the name of the first petitioner. Considering the above facts and circumstances of the case, this Court is of the view that the custodial interrogation of the first petitioner may not be necessary. The investigating agency can establish the alleged case based on the documents available in the Registrar Office. The question as to whether the Will is



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true or not can be decided only before the competent civil court. Considering all the facts and circumstances of the case, this Court is inclined to grant an order of pre-arrest bail to the first petitioner also subject to the following conditions.

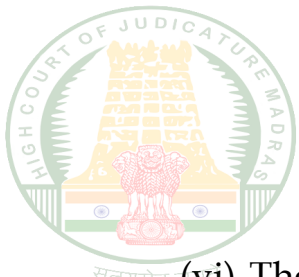
(i) The first petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Tenkasi, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Tenkasi.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The first petitioner shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday at 10.00 a.m. until further orders.

(iv) The first petitioner shall not enter into the defacto complainant's house or his work place.

(v) The first petitioner shall furnish her residential address and mobile number to the concerned Magistrate.



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(vi) The first petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
10/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE, KADAYAM POLICE STATION,
TENKASI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

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Date :10/02/2025

RS/SKN/SAR-(25.02.2025) 6P 5C

Madurai Bench of Madras High Court is issuing
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