



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.357 of 2025

1. Mohammad Ibrahima,
W/o. Mohammad Noodhu,
No.159/110, Marikar Palli Street,
Kayalapattinam,
Thoothukudi.

2. Seyed Ali Fathima,
W/o. Syed Mohammed,
106/164, Marikar Palli Street,
Kayalapattinam,
Thoothukudi.

... Petitioners/ Accused Nos.1 & 6

Vs

The State of Tamil Nadu,,
Rep by the Inspector of Police,
Arumuganeri P.S, Thoothukudi District.
Crime No. 297/2024.

... Respondent/Complainant

For Petitioners : Mr.C. Susikumar,
Advocate.

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

For Intervener : Mr.Ananth C.Rajesh,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER :-

For Anticipatory Bail in Crime No. 297 of 2024 on the file of the respondent-Police.

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 318(4), 339, 336(3), 341(2) and 347(2) of BNS, 2023 in Crime No.297 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Village Administrative Officer of Kayalpattinam South village. The accused persons registered a partition deed in Document No. 2901/2024 concerning Survey Number 28/1YA of Kayalpattinam South. A certificate, allegedly issued by the Tahsildar of Tiruchendur, was enclosed with the document and later, uploaded in the social media. Subsequently, upon obtaining the document from the Sub-Registrar's Office, it was discovered that the enclosed certificate had not been issued by the Tahsildar of Tiruchendur. Hence, the complaint.

4. Mr.C.Susikumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and that they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case.

He further submits that the above mentioned survey number is originally belonged



to the petitioner's father, viz., Syed Mohammed and the patta also stood in his name. After his demise, the legal heirs inherited the same and they presented the document for registration. However, the Sub-Registrar refused to register the document and the same was challenged by the first petitioner herein before this Court in W.P.(MD).No.18608 of 2024. The said Writ Petition was allowed by this Court by an order dated 05.08.2024. He further submits that the petitioners have not played any role in the registration arrangements, only, the husband of Accused No.4 took care of the entire procedural elements to register the said partition deed. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioners have fabricated the documents in order to grab the property of the intervener. Therefore, he prays to dismiss this Criminal Original Petition.

6. Mr.Ananth C.Rajesh, learned counsel appearing for the intervener, submits that the property belonging to the intervener has been knocked off by the accused persons by taking advantage of the similarity of the names. Hence, he vehemently opposes to grant an order of pre-arrest bail to the petitioners.

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

8. As per the order of this Court dated 06.02.2025, the petitioners have sent the



original certificate in question dated 17.06.2024.

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9. According to the petitioners, the certificate in question was genuinely obtained by the petitioners. The learned Additional Public Prosecutor, on instructions, submits that the certificate dated 17.06.2024 issued by the Tahsildar is a fake and fabricated one.

10. Since the petitioners have handed over the original certificate dated 17.06.2024, this Court is of the view that the custodial interrogation of the petitioners is not necessary for the investigating agency.

11. Considering the above, and considering the nature of the offence allegedly committed by the petitioners, and the fact that the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding, and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Tiruchendur, within a period of 15 days from the 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial



Magistrate, Tiruchendur;

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(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, Tiruchendur, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Tiruchendur.

(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(x) On breach of any of the aforementioned conditions, the learned Judicial



Magistrate, Tiruchendur or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners 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]*.

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

Sd/-

24.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TSG

TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to MR.ANANTH C.RAJESH Advocate SR.No.3365[I] Dated 25/03/2025



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ORDER
IN

CRL OP(MD) No.357 of 2025

Date :24/03/2025

RS (16/04/2025) 7P/ 6C

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