



CRL OP(MD). No.197 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.197 of 2025

Malaichamy

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.3 of 2020)

... Respondent / Complainant

For Petitioner : Mr.R.Boopathy, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police
for the alleged offences under Sections 120(b), 419, 420, 465, 468, 471 of IPC in Crime



No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the father of the defacto complainant was impersonated and a sale-deed came to be executed, as if he is alive, in favour of the petitioner/A1 and the person who sold the property has been arrayed as A2. A2 is the impersonator in this case. There are totally nine accused persons in this case and the petitioner has been arrayed as A1.

3. The petitioner earlier filed the anticipatory bail petition before the Sessions Court and anticipatory bail was also granted by order dated 26.02.2020 in CrI.M.P.No.677 of 2020. Since the petitioner did not furnish the sureties within time, the anticipatory bail was cancelled. In view of the same, the present anticipatory bail petition has been filed before this Court.

4. Heard the learned counsel on either side and perused the material records of the case.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the sale-deed executed in favour of the petitioner has been cancelled subsequently and the right and title over the property now stands in favour of the defacto complainant and also taking note of the fact that the petitioner was actually granted anticipatory bail and it stood cancelled since the surety was not executed on time, this court is inclined to grant anticipatory bail to the petitioner



with certain conditions:

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
08/01/2025

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/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1.The Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
District Crime Branch,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.BOOPATHI, Advocate (SR-338[I] dated 09/01/2025)

ORDER
IN
CRL OP(MD) No.197 of 2025
Date :08/01/2025

ED/ SKN /SAR- (21/01/2025) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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