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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.823 of 2025

Gnanasekar,

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,  
Rep.By, the Inspector of Police,  
District Crime Branch,  
Tiruchirappalli,  
Tiruchirappalli  
District.  
(Crime No.91 of 2024).

... Respondent/Complainant

For Petitioner : Mr.S.Venkatesan,  
Advocate.

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)

For Intervener : Mr.P.M.Vishnuvarthan



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PRAYER :-

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

For Anticipatory Bail in Crime No.91 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent Police for offences under Sections 406, 420, 465, 468, 471 and 506 (i) of IPC in Crime No.91 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that one Vasan, the defacto complainant and the accused person were running a business. The lorry was standing in the name of Sumathi. They entered into an agreement to the effect that the said Sumathi agreed to sell the lorry and other movable properties in favour of the defacto complainant and others for a total consideration of Rs.49,00,000/-. It is alleged that subsequently without the consent of the said Sumathi, her signature was forged in the transfer form and the lorry was transferred in the name of the petitioner. That apart, the defacto complainant and the said Sumathi were not even permitted to participate in the business and they were cheated.

3. Heard the learned counsel on either side

4. Apart from the business and money dispute between the parties, the main



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criminality in this case pertains to the signature of the said Sumathi being forged in the transfer form which was submitted to the Road Transport Office. This form is available with the Road Transport office and the same has to be seized by the Police and sent for expert opinion. That is the main issue that is involved in this case. Hence, till the expert report is received, custodial interrogation may not be required, since all the other disputes pertain to the running of the business and it is borne out by records. If ultimately, it turns out that the signature found in the transfer form is forged, it will always bring out the criminality in this case.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tiruchirappali, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;



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[b] the petitioner shall report before the respondent police 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 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-  
24/01/2025

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/02/2025

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



TO  
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- 1 THE JUDICIAL MAGISTRATE NO.I,  
TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
TIRUCHIRAPPALLI,  
TIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.S.BOOMINATHAN, Advocate ( SR-853[I] dated 24/01/2025 )

ORDER  
IN  
CRL OP(MD) No.823 of 2025  
Date :24/01/2025

NBF / SKN / SAR- (07/02/2025) 5P / 6C  
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