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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2282 of 2025

Veerakumar

... Petitioner / Accused No.4

Vs.

The State of Tamil Nadu rep by

The Inspector of Police,

District Crime Branch,

Madurai District.

(Crime No.1 of 2025)

... 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 petitioner in Crime No.1 of 2025 on the file of the respondent-police.

For Petitioner : Mr.S.Bala Karthick, Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)



ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 03.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468, 471 and 120(b) of IPC, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there is a property dispute between the parties. There are totally 6 accused persons in this case and the petitioner has been arrayed as A4. The defacto complainant alleges that he owns ancestral properties in Paravai and Thuvariman villages of Madurai District, which are leased out for cultivation. His father, S.K. Rama Iyengar, passed away on 27.03.1971. While this being so, one Lakshmi (1st Accused) executed two sale deeds in favour of Bharathidasan (2nd Accused) and registered as D.No. 2887 & 2889 of 2024 before the petitioner, who is the Sub-Registrar of Vilangudi. The 1st Accused (Lakshmi) claims to have acquired title through a registered sale deed (Doc.No. 1239 of 1974) executed by the defacto complainant and his father, who died on 27.03.1971. On perusing of



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the certified copy of Doc.No. 1239 of 1974, it reveals that it neither pertains to the alleged parties nor to the said property. Furthermore, the sale deeds in D.No. 2887 & 2889 of 2024 were scribed and registered before the 4th Accused (petitioner herein) and attested by the 5th and 6th Accused as witnesses.

4. Mr.S.Bala Karthick, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has permanent residence and deep roots in the Society and the petitioner is willing to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 6 accused persons in this case and the petitioner has been arrayed as Accused No.4. He further submits that since the petitioner has registered the documents, he has been arrayed as an accused. He further submits that there are no previous cases against the petitioner. However, he contends that custodial interrogation of the petitioner is necessary for the investigation to unearth truth. Accordingly, he prays to dismiss this Criminal Original Petition.



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

7. Considering the nature of offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the fact that the petitioner has permanent residence and deep roots in the society, there is less possibility for absconding. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Madurai, 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 Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

(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) Thereafter, the petitioner shall appear before the respondent-police as and when required for investigation.



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(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

(vi) 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/-
05/02/2025

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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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- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2282 of 2025

Date :05/02/2025

ES/SKN/SAR/19.02.2025/6P/5C

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