



CRL.OP(MD).No.2608 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.2608 of 2025

R.Gerald Selvaraj @ Jerold Selvaraj

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli District.
(Crime No.2 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.2 of 2025 on the file of the respondent-police.

For Petitioner : Mr.R.Anand,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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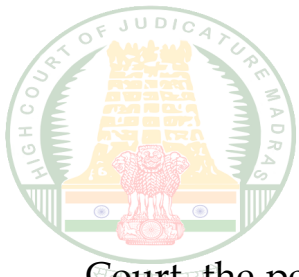
grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 419, 465, 468, 471, 420 and 120B of IPC, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant lodged a complaint against the petitioner and three others regarding a fraudulent property transaction. The defacto complainant had gifted a 2-acre property to his sister, Srivalli, in 2013. The petitioner, who owned adjacent land, repeatedly requested the property but was refused. Allegedly, in May 2024, Accused No.1 impersonated Srivalli and fraudulently executed a power of attorney in favour of Accused No.3, who then entered into a sale agreement with Accused No.4. Upon discovering the fraud in September 2024, the defacto complainant (Lakshmanan) verified the records and found the fraudulent registrations. Srivalli, residing in the U.S., filed an online complaint, but no action was taken. She then authorized the defacto complainant to pursue legal action, leading to the registration of the FIR. Hence, the case.

4. Mr.R.Anand, 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 been falsely implicated in this case. He further submits that, in compliance with the previous order of this



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Court, the petitioner appeared before the respondent police and cooperated with the investigation. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A2. He further submits that the petitioner appeared before the respondent-police and co-operated with the investigation. He however contends that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner and the defacto complainant had property dispute. Since the entire transaction is based on registered documents, this Court is of the view that custodial interrogation of the petitioner may not be required for the investigating agency. Further the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner has no previous antecedents and with a view



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to give an opportunity to the petitioner to reform himself, this Court does incline to
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grant an order of pre-arrest bail to the petitioner, however 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, Tirunelveli District, 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) 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, Tirunelveli District.

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

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

(v) The petitioner shall not, directly or indirectly, make any inducement, threat



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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.

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

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

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

(ix) 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/-
28/03/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

- 1.The Judicial Magistrate No.I,
Tirunelveli District.
2. The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Inspector of Police,
City Crime Branch, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to ANAND R. Advocate SR.No.3702(I) DT.01.04.2025

ORDER IN
CRL OP(MD) No.2608 of 2025
Date :28/03/2025

PP/SAR. /02.05.2025/6P/6C

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