



CRL.OP(MD). No.2610 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2610 of 2025

Rajasekar

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli District.
(Crime No.2 of 2025)

... Respondent / Complainant

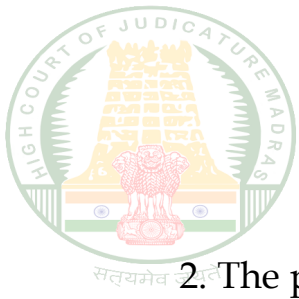
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.2 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.L.Dhilipan Pandian,
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 grant an order of pre-arrest bail.



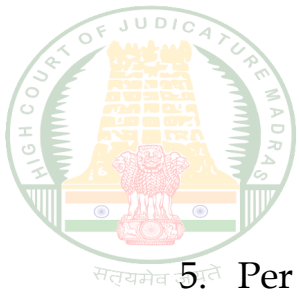
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2. The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Sections 419, 465, 468, 471, 420 and 120B of IPC, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant settled his land to his sister in 2013, who is living in U.S. The petitioner, who is the adjacent owner of her property, has been asking the sister to sell her property to him. The defacto complainant's sister has consistently stated that they have no intention of selling the land. Therefore, the petitioner, with the help of others, forged a Power of Attorney purportedly executed by the defacto complainant's sister and executed a Sale Deed in favor of one Annadurai (A4) and cut down the trees grown on the land. Knowing the same, the defacto complainant went to the location and verified the matter with his sister. Since she had given special power of attorney, the defacto complainant lodged this case.

4. Mr.R.L.Dhilipan Pandian, 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 and a false case has been foisted against the petitioner. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



CRL.OP(MD). No.2610 of 2025

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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons had illegally fabricated a power of Attorney and executed sale deeds in favour of A4. Therefore, he contends that, if the petitioner is granted pre-arrest bail, there is possibility of committing similar offences in future and causing threat to the defacto complainant and the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. On perusal of the FIR, it is seen that the allegation against the petitioner is of a serious nature. In view of the overt act of the petitioner, this Court is of the view that custodial interrogation is very much essential to unearth the truth and if the petitioner is released on pre-arrest bail, he may cause threat to the defacto complainant and witnesses and tamper with the evidence. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL.OP(MD). No.2610 of 2025

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PAL
TO
1 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

ORDER IN
CRL OP(MD) No.2610 of 2025
Date :14/02/2025

SA/SKN/SAR. /26.02.2025/4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.