



CRL OP(MD). No.2926 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/06/2025

PRESENT

The HONOURABLE MS. JUSTICE P. VADAMALAI

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D.T.Baskar

... Petitioner/ Accused No.2

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
CCB Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.1 of 2025).

... Respondent/Complainant

For Petitioner : Mr.T.Antony Arulraj
Advocate.

For Respondent : Mr.S.Prakash,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 319(2), 336(2), 336(3), 340(2) and 61(2) of BNS, 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the property measuring to an extent of 2.94 acres was originally owned by his grandfather Sivakonar and his brother Velayuthadass vide partition deed in Document No.948 of 19214. The de-facto complainant's father, namely K.S.Subramaniyan derived the property from the above said Sivankonar vide Document No.447 of 1965. It is a partition deed which convened the property to an extent of 1.47 Acres to the de-facto complainant's father and father's brother namely K.S.Ganapathy. The other half of the said 2.94 Acres i.e., Southern 1.47 Acres were dwelled into the hands of Velayuthadass acquired by the Government under Land Ceiling Act and the share of K.S.Ganapathy measuring to an extent of 74 cents situated in Survey No.704/1 was also acquired under the Land Ceiling Act. Hence, the remaining property of 73 cents situated in Survey No.704/2A with vested the de-facto complainant's father namely K.S.Subramanian. Thereafter, the accused persons had colluded together and executed a document at Parasala as if the



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complainant's father sold the entire 2.94 acres to the 1st accused. Thereafter, the 1st accused executed a power of attorney on 23.01.2003 to the 2nd and 3rd accused. In pursuant to the power of attorney, the 2nd accused developed the entire 2.94 Acres and sold to several persons by creating a layout. The sale deed registered at Parasala is alleged to be executed by way of impersonation and forgery. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Further, the petitioner has not committed any offence as alleged by the prosecution and the dispute is civil in nature. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the totally there are 3 accused in this case and the petitioner is arrayed as A2. He would further submit that the investigation in this case is pending and they sent the document for expert opinion. Hence, he objected to grant anticipatory bail to the petitioner. However, he fairly concedes that A1 and A3 are no more.

5. Taking into consideration of the facts and circumstances of the case and also considering the fact that the entire evidences are based on records, the custodial interrogation of the accused is not necessary and the power of attorney was executed in the year 2003 and FIR has been registered in the year 2025, by this time, most of the investigation might have been completed, this Court is inclined to grant



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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 No.1, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.1, Tirunelveli. If the petitioner changes his residential address, he shall report the same to the concerned Court.

(c) the petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5.30 p.m., until further orders and the petitioner shall cooperate for the enquiry;



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सत्यमेव जयते (d)the petitioner shall not tamper with evidence or witness either during
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(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
03/06/2025

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/06/2025

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

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TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3. THE INSPECTOR OF POLICE,

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CCB POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI.

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

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-5871[I] dated 03/06/2025)

ORDER
IN
CRL OP(MD) No.2926 of 2025
Date :03/06/2025

HPS/10.06.2025 /6P/6C

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