



CRL OP(MD)No.3829 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.3829 of 2025

1.Gurunathan
S/o.Sankaralingam
2.Velammal
W/o.Gurunathan

...Petitioners/
Accused Nos.1 & 2

Vs.

1.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(In Crime No.53 of 2025)

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tuticorin District.

...Respondents/Complainants

(R2 is suo-motu impleaded as per order of the Court, dated
27.03.2025 in Crl.O.P(MD)No.3829 of 2025)

For Petitioners : Mr.S.Saravanan

For R1 : Mr.M.Karunanithi

Government Advocate (Crl.Side)

For R2 : No Appearance

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2025 on the file of the Respondent Police.



CRL OP(MD)No.3829 of 2025

ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 477 & 420 of IPC, in Crime No.53 of 2025 on the file of the respondent police.

2. The case of the prosecution is that Kalugumalai Kalugasalamoorthy temple land was situated in Survey No.76/1268, Kalugumalai Village, Kovilpatti Taluk, Thoothukudi District for an extent of 37 square meter of land. The first petitioner encroached the said land and created a forged patta No.121 and executed a settlement deed in favour of the second petitioner. Based on the complaint lodged by the Tahsildar, the case has been registered.

3. The learned counsel for the petitioners submitted that the petitioners are husband and wife. The petitioners are running a mechanic shop in Survey No.76/2. He applied for a patta for the said shop before the revenue officials in the year 2017, and they issued a patta No.121 in favour of the first petitioner. Based on that, he executed a settlement deed No.2260, dated 15.11.2018, in favour of the second petitioner. After came to know that the patta issued by the revenue officials is a fake one, he immediately cancelled the said settlement deed through document No.2396/2018, dated 05.12.2018 within 20 days. He would further submit that the first petitioner filed a suit before the learned District Munsif Court, Kovilpatti in



CRL OP(MD)No.3829 of 2025

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O.S.No.17 of 2021 for permanent injunction, and the same was ordered in favour of the first petitioner. Further, the fake patta was issued by the revenue authorities to the petitioners in the year 2017. The petitioners never used that anywhere else for any purpose. Without proper enquiry, they lodged a complaint. Further, the case is filed before this Court in W.P(MD)No.12909 of 2024 to remove the encroachment and the same is pending. He would further submit that the petitioner never committed any offence and had no previous bad antecedents. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the first petitioner created a forged patta No.121 and executed a settlement deed in favour of the second petitioner through document No.2260 on 15.11.2018 in favour of the second petitioner, and he cancelled the said settlement deed through document No.2396/2018, dated 05.12.2018 within 20 days.

5. Considering the facts and circumstances of the case and also considering the fact that the alleged date of occurrence is 15.11.2018 and also taking into the fact that within 20 days, the first petitioner has cancelled the settlement deed executed in favour of the second petitioner on 05.12.2018 and also taking note of the fact that FIR registered only on 17.02.2025 and it appears that the entire case is based on records, hence, custodial interrogation is not necessary at this stage, this Court is inclined to



CRL OP(MD)No.3829 of 2025

grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Magistrate Court No.I, Kovilpatti, and on further conditions that:

(a) the petitioners 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 petitioners shall furnish their residential address and mobile number to the Judicial Magistrate Court No.I, Kovilpatti. In the event of any change in their residential address, the petitioners shall report the same to the Judicial Magistrate Court No.I, Kovilpatti;

(c) the petitioners shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during



CRL OP(MD)No.3829 of 2025

investigation or trial;

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(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

sd/-
04/08/2025

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

vsd
TO

- 1 The Judicial Magistrate No.I, Kovilpatti.
- 2 Do Through the Chief Judicial Magistrate, Thoothukudi District.
- 3.The Inspector of Police, Kalugumalai Police, Station, Thoothukudi District.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department, Tuticorin District.



CRL OP(MD)No.3829 of 2025

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5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.VEL MURUGAN, Advocate (SR-8467[I] dated 06/08/2025)

ORDER

IN

CRL OP(MD) No.3829 of 2025

Date :04/08/2025

NBF/SAR- /20/08/2025/ 6P/7C

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