



CRL OP(MD)No.5328 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.5328 of 2025

R.Ganeshan

...Petitioner/ Accused No.2

Vs.

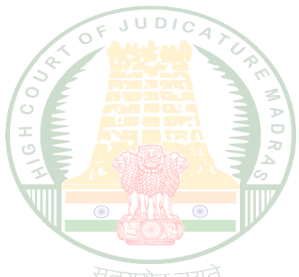
The State of Tamil Nadu rep.by,
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.216 of 2024)

...Respondent/ Complainant

For Petitioner : Mr.G.Vishnuram
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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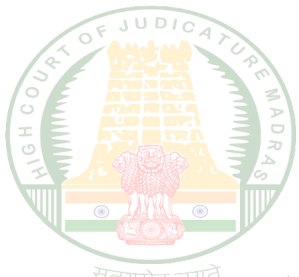
PRAYER :-
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For Anticipatory Bail in Crime No.216 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 471, 420 & 120 (B) of IPC, in Crime No.216 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant gave a complaint against the petitioner and two others alleging that the landed property comprised in Survey Nos.258/2B, 259/4B, 269/3C, 269/4 & 230/3A situated at Mela Mudukulathur Village, Ramanathapuram was owned by the defacto complainant's husband. On 24.03.2006, the defacto complainant's husband executed a general power of attorney deed in favour of one Muthukumar/Accused No.1, registered before the Sub Register Office, Mudukulathur, for borrowing of loan. On 09.10.2006, her husband passed away. Subsequently, Accused Nos.1 and 2 conspired together to usurp the property and created a life certificate of her husband and on

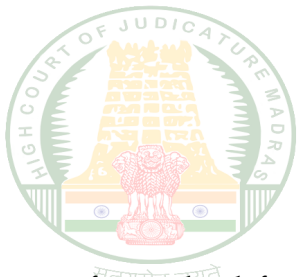


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29.02.2016, Accused No.1/Muthukumar executed a settlement deed in favour of his mother Ramani/Accused No.3. Hence, the defacto complainant gave a complaint before the respondent police and the case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is the brother of one Muthukumar/Accused No.1, and he has no way connected with the offence said to have been committed by Accused No.1. He would further submit that this is the second anticipatory bail petition. Earlier, the petitioner had filed an anticipatory petition in CrI.O.P(MD)No.22258 of 2024 and the same was dismissed as withdrawn on 20.12.2024. Accused No.1 was already arrested and released on bail by the Principal Sessions Judge, Ramanathapuram on 25.11.2024 in CrI.M.P.No.4801 of 2024 and Accused No.3 was granted anticipatory bail on 06.11.2024 in CrI.M.P.No.4559 of 2024 by the Principal Sessions Judge, Ramanathapuram. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.side) appearing for the respondent police submits that there are totally three accused, the petitioner is arrayed as Accused No.2. He would further submit that the petitioner and his brother, namely Muthukumar/Accused No.1, conspired together to cheat the property and created a



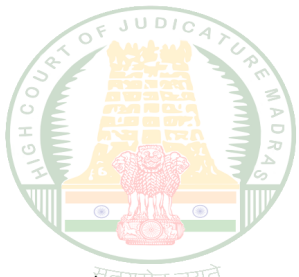
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forged life certificate of the defacto complainant's husband. Accused No.1/Muthukumar misused the power of attorney issued by the defacto complainant's husband to him and executed a sale deed in favour of his mother, Accused No.3. He would further submit that Accused No.1 was already arrested and released on bail by the Principal Sessions Court, Ramanathapuram, and Accused No.3 was granted anticipatory bail by the Principal Sessions Court, Ramanathapuram. However, he objected to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, and also considering the fact that Accused No.1 was arrested and released on bail and Accused No.3 was granted anticipatory bail by the Principal Sessions Court, Ramanathapuram and that as the date of registration of F.I.R. is 19.09.2024, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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, Mudukulathur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-



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(Rupees Twenty Five 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 Judicial Magistrate, Mudukulathur, 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;

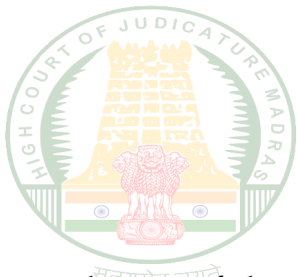
(b) the petitioner shall furnish his residential address and contact number to the the learned Judicial Magistrate, Mudukulathur. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Mudukulathur;

(c) the petitioner shall appear and sign before the respondent police daily at 05.30 p.m., until further orders;

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

(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



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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 abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
11/07/2025

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

TO

1 PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

3 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
MUDUKULATHUR ,
POLICE STATION,RAMANATHAPURAM DISTRICT.



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+1. CC to G.VISHNURAM-MS/2091/2006 Advocate SR.No.7522

ORDER
IN
CRL OP(MD) No.5328 of 2025
Date :11/07/2025

MGJ (22.07.2025)/7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.