



CRL OP(MD)No.5551 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

The HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.5551 of 2025
and CrI.MP(MD).No.4450 of 2025

Muthu

... Petitioner/ Accused No.3

Vs

State of Tamil Nadu rep. by
The Inspector of Police
District Crime Branch
Sivagangai District
Crime No.4 of 2025

... Respondent

For Petitioner : Mr.M.Thangapandian

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

For Intervener : Mr.P.Ariharan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.4 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120B, 419, 420, 465, 468 and 471 I.P.C in Cr.No.4 of 2025 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has properties in Survey No.5/7 to an extent of 2 acres and 19 cents; in S.No.6/1B to an extent of 3 acres 88 cents; and S.No.10/2 to an extent of 75 cents situated at Pillayarkulam Village, Thiruchuli Taluk, Virudhunagar District. The petitioner along with others had created a forged general power of attorney as executed by the defacto complainant. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner did not create any general power of attorney by means of forgery dated 02.08.2006 with respect to the above mentioned survey numbers. He further submits that the petitioner is ready to co-operate with the investigation. Hence, he prays for granting anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervener would submit that the above mentioned properties are ancestral properties of the defacto complainant. The



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petitioner enjoying the property by paying necessary tax to the revenue department.

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By taking advantage of the absence of the petitioner, the first accused has created a forged General Power of Attorney and registered on the file of Sub Registrar, Thiruppuvanam and forged the signature of the defacto complaint as if he has executed the same. Hence, he opposes for granting anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the accused persons have colluded together and created a forged general power of attorney. The documents have been sent for verification where it was found to be a forged document. Accused Nos.4 and 5 were arrested and released on bail. Accused No.6 got anticipatory bail.

6.Considering the fact that Accused Nos.4 and 5 were arrested and enlarged on bail and Accused No.6 was also granted anticipatory bail before the Court below and the documents have been sent for forensic department and obtained a report and the fact that the accused person seems to be a purchaser and also considering the allegation levelled as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.II,



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Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

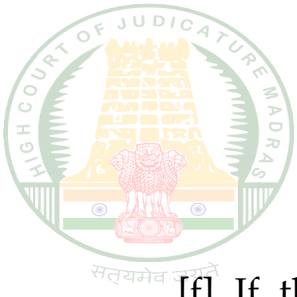
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police on every day at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS 2023.

sd/-

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/05/2025

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

MSA

TO

1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.THANGAPANDIAN, Advocate (SR-5444[I] dated 09/05/2025)

ORDER

IN

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Date :09/05/2025

SS/SAR- /26/05/2025/ 5P/6C

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