



CrI.O.P.(MD)No.5696 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). Nos.5696, 6810 and 7148 of 2025

CrI.O.P.(MD)No.5696 of 2025

S.Vairamuthu

...Petitioner / A15

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
District Crime Branch (DCB),  
Virudhunagar District.

... Respondent/Complainant

For Petitioner : Mr.S.Vignesh Shanmugam  
for M/s.Ajmal Associates

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2023 on the file of the respondent-police.



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CrI.O.P.(MD)No.6810 of 2025

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1.Thirumalaikumaran  
2.Gurusamy  
3.Karuppaiah

...Petitioners / A1, A4 and A5

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
District Crime Branch (DCB),  
Virudhunagar District.  
(Crime No.19 of 2023)

... Respondent/Complainant

For Petitioners : Mr.G.Karuppasamypandiyan

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2023 on the file of the respondent-police.

CrI.O.P.(MD)No.7148 of 2025

Pandiyarajan

...Petitioner / A10

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
District Crime Branch (DCB),  
Virudhunagar District.  
(Crime No.19 of 2023)

... Respondent/Complainant



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For Petitioner : Mr.T.Dineshpandi

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2023 on the file of the respondent-police.

COMMON ORDER : The Court made the following order :-

This Criminal Original Petitions have been filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 406, 420, 417, 465, 467, 468 and 471 of Indian Penal Code, 1860 in Crime No.19 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that one T.S.Rajasekaran owned properties in S.Nos.391/2, 392/2 and 387/2 in Kaansapuram Village. On 12.02.2010, T.S.Rajasekaran executed a settlement deed in favour of his wife Sarala. The original



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owner T.S.Rajasekaran passed away on 14.04.2012. According to the prosecution,  
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Sarala was in possession and enjoyment of the aforesaid properties and passed away on 03.06.2017, leaving behind one son and one daughter (defacto complainant). The case of the defacto complainant is that her brother Thirumalaikumaran created a forged will dated 03.10.2016, as if their mother Sarala executed a Will in favour of Thirumalaikumaran (A1). Thereafter, based on the forged Will, Thirumalaikumaran executed a sale deed in favour of A8 to A11. A15 also colluded with A1 and changed the patta in favour of Thirumalaikumaran. Hence, the case.

4. The learned counsel appearing for the petitioners in all the petitions submit that the defacto complainant's mother executed a Will dated 03.10.2016 and the Will is true and valid. They further submit that the defacto complainant filed a complaint before the Land Grabbing Cell, Virudhunagar and the Land Grabbing Cell, Virudhunagar after investigation concluded that the Will dated 03.10.2016 is not forged and closed the complaint. They further submit that thereafter, the defacto complainant filed a private complaint under Section 156(3) of the Criminal Procedure Code before the learned Judicial Magistrate No.II, Virudhunagar and based on the said complaint, the respondent-Police registered a case in Crime No.19 of 2023 for the offences punishable under Sections 406, 420, 417, 465, 467, 468 and 471 of Indian



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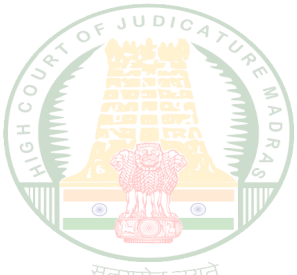
Penal Code, 1860 and that 22 persons have been shown as accused in this case. They further submit that the investigation agency has secured the Will from A1 and in view of the same, custodial interrogation of the petitioners is not necessary for the investigation agency. Hence, they pray for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the Will in question dated 03.10.2016 was recovered from A1 and the same has been sent for FSL examination and that the investigation agency is awaiting report. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case, this Court is of the view that the only question to be decided is whether the Will dated 03.10.2016 is genuine or not. Since the investigation agency has collected the original Will dated 03.10.2016 from A1, this Court is of the view that custodial interrogation of the petitioners may not be necessary in this case. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the



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event of their surrender before the learned Judicial Magistrate No.II, Virudhunagar District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar District;

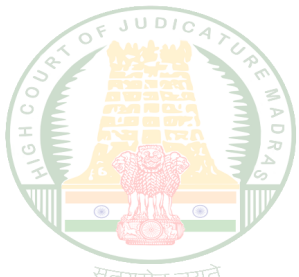
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police weekly once i.e., on Sunday at 10.00 a.m. until further orders;



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(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Virudhunagar District;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, these Criminal Original Petitions are allowed subject to the conditions stated *supra*.

sd/-  
25/04/2025

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/05/2025

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

MBI

TO

1 THE JUDICIAL MAGISTRATE NO.II  
VIRUDHUNAGAR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH (DCB),  
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate ( SR-4864[I] dated 28/04/2025 )

+1. CC to M/S.T.DINESH PANDI, Advocate SR.No.4983(I) DATED 29/04/2025

ORDER  
IN  
CRL OP(MD). Nos.5696, 6810 and 7148 of 2025  
Date :25/04/2025

SS/SAR- /27/05/2025/ 8P/7C

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