



CRL.OP(MD). No.6983 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 25.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6983 of 2025

Vasantha
D/o.Shanmugavel

... Petitioner / Accused No.6

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.87 of 2025)

... Respondent / Complainant

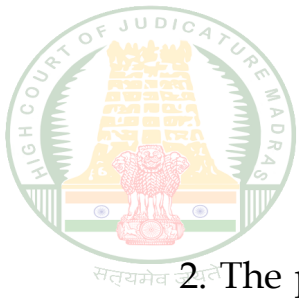
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.87 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Banuprasath,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 15.04.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 318(4), 336(2), 336(3), 340(2) and 61(2) of BNS, 2023, in Crime No.87 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, submitted a complaint to the respondent-police on 24.03.2025, alleging that Accused Nos.2 to 4 had forged a Death Certificate and a Legal Heir Certificate, which were purportedly issued by the Tahsildar, Sankarankovil Taluk, Tenkasi District. It is further alleged that Accused Nos.2 to 4 used these forged certificates to execute a Sale Deed in favour of the 1st Accused on 10.02.2025. Hence, the present complaint has been lodged against the petitioner and the other accused persons.

4. Mr.P.Banuprasath, the learned counsel for the petitioner, submits that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally six accused persons in this case and the petitioner has been arrayed as A6. He further submits



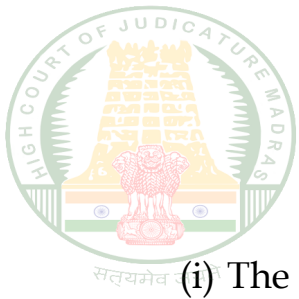
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that investigation agency has collected the photocopy of the original documents. He further submits that there are no previous cases pending against the petitioner. However, he, contends that if pre-arrest bail is granted to the petitioner, she may abscond and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner herein is only a attesting witness and photocopy of the original documents have already been collected by the investigation agency, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same, considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, custodial interrogation of the petitioner is not necessary and with a view to give one more opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Rajapalayam, 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) 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, Rajapalayam.

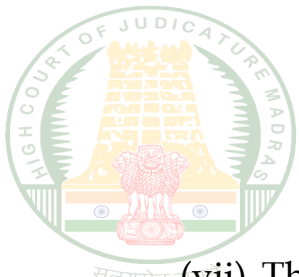
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

(iv) The petitioner shall make herself available for interrogation by a police officer as and when required.

(v) The petitioner 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.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.



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Court.

(vii) The petitioner shall not leave India without the prior permission of the

(viii) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

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

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

25/04/2025

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/05/2025

Sub Assistant Registrar
(CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai.

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To मेव जयते

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1.The Judicial Magistrate,
Rajapalayam.

2.Do Through
The Chief Judicial Magistrate,
Virudhunagar.

3.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

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

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-4859[I] dated 28/04/2025)

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KVL - (27.05.2025) 6P/ 6C

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