



CRL OP(MD). No.8883 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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Kattathevan,
S/o.Mayandi Thevar,
Ammapatti Street,
Melmangalam,
Periyakulam Taluk,
Theni District.

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB-Theni,
Theni District.
(In Crime No.11 of 2025).

... Respondent/Complainant

For Petitioner : M/s.S. Manojkumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Defacto Complainant : Mr.Polizan

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.11 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 03.04.2025 for the offences punishable under Sections 406, 417, 419, 420, 468, 471 and 120B of IPC, 1860 in Crime No.11 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant one Balavijay, lodged a complaint against the petitioner and other accused, stating that the accused persons had fabricated false power of attorney and sale deed by forging signature in respect of the land belongs to the defacto complainant and his aunt, namely, Subbulakshmi and cheated them and also, the petitioner has stolen the house hold articles from the defacto complainant's house. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a senior citizen aged about 64 years and he in custody from 03.04.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the originally, the property belongs to the defacto complainant and his aunt, namely, Subbulakshmi. Now the petitioner along with other accused got non-traceable certificate and fabricated the document and sold the property. Hence, he objected to grant bail to the petitioner.



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5. The learned counsel appearing for the defacto complainant would submit that the petitioner along with the other accused had created fabricated documents in respect of the property belongs to the defacto complainant and his aunt by forging signature and impersonated some other persons. Hence, he vehemently opposed to grant bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration of the period of incarceration and considering the fact that the petitioner is aged about 64 years and he is in custody for the past 59 days and by this time, the investigation might have been completed and moreover this case is based on records, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Theni and on further conditions that :-

[a] 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 mobile number to



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the learned Judicial Magistrate, Theni. If the petitioner changes his residential
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address, he shall report the same to the concerned Court.

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
03/06/2025

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03/06/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE SUPERINTENDENT,
SUB- JAIL, THENI.
4. THE INSPECTOR OF POLICE,
DCB- THENI,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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Date :03/06/2025

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