



CRL OP(MD)No.22882 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Ponpandi

2.Arulmani

: Petitioners/ A1 &A4

Vs.

The State of Tamil Nadu
Represented by the Inspector of Police,
Devar Kulam Police Station,
Devar Kulam, Tirunelveli District.
(Crime No.237 of 2022)

: Respondent/Complainant

For Petitioners : Mr.T.Selvan,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.237 of 2022 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 419, 420 and 506(2) IPC, in Crime No.237 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A2 are brothers. Their father died on 30.11.2006. A3 impersonated the deceased father as if he is alive and the sale deed came to be executed in favour of A2, dated 28.04.2021. This document was attested by A4 and A5. A1 in this case is the Sub-Registrar, who registered the document.

3.The learned counsel appearing for the petitioners submitted that the very complaint given by the defacto complainant is false, since the defacto complainant is assuming that the property belongs to the father. He further submitted that the property actually belonged to one Packiam, S/o.Ponnan from whom A2 purchased the property. The election ID card was produced before this Court, which shows that the father of Packiam, who in turn is the father of the defacto complainant and A2 is named as Packiam. It is further contended that the similarity of names is now sought to be confused by the defacto complainant and actually the father of A2 did not possess any property.



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4.The learned counsel for the petitioner has also relied upon the patta that was granted in favour of Packiam S/o.Ponnan. There are totally five accused persons in this case.

5.Heard the learned counsel on either side and perused the material records of the case.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the entire case is borne out by records and there is confusion regarding the identity of the person from whom, the property was purchased, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.III, Tirunelveli, 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



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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 petitioners 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 petitioners shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of 4 weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
09/01/2025

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/01/2025

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DEVAR KULAM POLICE STATION,
DEVAR KULAM,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.T.SELVAN, Advocate (SR-464[I] dated 10/01/2025)

ORDER
IN
CRL OP(MD) No.22882 of 2024
Date :09/01/2025

SS/SKN/SAR- /24/01/2025/ 6P/6C

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