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Crl.O.P.No.1778 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.1778 of 2026

V.Gunasekaran

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
CCB Police Station,
Coimbatore City.
(Crime No.30 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.30 of 2023 pending on the file of the respondent Police.

For Petitioner : Mr.John Sathyan Senior Advocate
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
For Intervenor : Mr.K.Vasanthanayagan

ORDER

The petitioner, who was arrested and remanded to judicial custody on
13.12.2025, for the offence punishable under Sections 120 B, 419, 465, 467,
468, 471, 420 of IPC in Crime No.30 of 2023, registered on the file of the
respondent, seeks bail.



2. The allegation against the petitioner is that the petitioner is ranked as A3 in this case and joining hands with four other accused involved in fabrication of power of attorney in favour of the petitioner by impersonating the original owner. It is alleged that the original documents pertaining to title deed of the defacto complainant was handed over to A1 – Aunt of the defacto complainant and she with the help of A2, obtained power of attorney and executed in favour of A3 and who in turn sold it to other accused and thereby grabbed the land other accused thereby grabbed the land. Hence, the case

3. The learned senior counsel appearing for the petitioner submitted that the transactions was taken place in the year 2007 and the petitioner is also in incarceration and he is power of attorney holder. After paying substantial amount received, power of attorney from A2, without knowing the fact he is impersonator. He is doing real estate business and sold the property in favour of other accused. He further submitted that alleged offence is borne out of records and there is no need for further incarceration. Hence, he prays to grant bail to the petitioner.

4. Learned counsel for the intervenor reiterated the prosecution case and vehemently opposed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner is the main accused and he is also benefitted from the transaction and if the petitioner is granted bail, he would hamper the investigation. Hence, he strongly opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that offence took place in the year 2007 and the allegations are borne out by records and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on their 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 the learned **Judicial Magistrate No.VII, Coimbatore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a



copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

29.01.2026



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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. Judicial Magistrate No.VII, Coimbatore.
- 2.The Inspector of Police,
CCB Police Station,
Coimbatore City.
- 3.The Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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