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Crl.OP.No.679 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.679 of 2026

Kumar Eswaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Komarapalayam Police Station,
Namkkal District-638 183.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in
the event of his arrest, concerned in Cr.No.4 of 2026 pending on the file of
the respondent.

For Petitioner : Mr.Thirukkumaran

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under
Sections 296(b), 318(4), 336(3), 351(2) of BNS of 2023 in Cr.No.4 of 2026
on the file of the respondent police, seeks anticipatory bail.



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2. The allegation against the petitioner is that the petitioner herein is a friend of A1 in this case. It is alleged that A1 had originally entered into an agreement for sale, though the land belongs to his wife, in favour of the defacto complainant, for receiving a sum of Rs.10,00,000/-. Thereafter, A1, by colluding with this petitioner, is alleged to have fabricated a cancellation deed as if the original agreement entered into between the defacto complainant and A1 had been cancelled. Hence, the complaint has been lodged and, pursuant to the same, the present case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner had only acted as an attesting witness and was not aware of the identity or role of the other persons who entered into the document. He further submitted that the petitioner is ready to cooperate with the investigation. It was also submitted that A1, who is the main accused in this case, has already been arrested and enlarged on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner is an attesting witness to the cancellation of the agreement and that, knowing fully well the nature of the transaction, the petitioner had



participated in the same. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

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

6. Considering the nature of the allegations and the fact that the petitioner is alleged to have acted only as an attesting witness to the document, that the main accused A1 has already been arrested and enlarged on bail, and that the alleged transaction is borne out of documentary evidence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate, Komarapalayam** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(b) 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 identify proofs to ensure their identity;

(c) **The petitioner shall come forward to submit his sample signatures for the purpose of investigation as and when required by the respondent police;**

(d) **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;**

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

21.01.2026

Vv



To

1. The Judicial Magistrate, Komarapalayam

2. The Inspector of Police,
Komarapalayam Police Station,
Namkkal District-638 183.

3. The Public Prosecutor
High Court of Madras, Chennai 600 104.



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K.RAJASEKAR, J.

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