



CRL OP(MD). No.703 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/01/2026

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.703 of 2026

Esakimuthu

... Petitioner

Vs

State of Tamilnadu
Rep by Inspector of Police,
District Crime Branch,
Tenkasi.
Crime No. 9 of 2025.

... Respondent

PRAYER :-

For Anticipatory Bail in Crime No. 9 of 2025 on the file of the respondent Police.

For Petitioner : Mr.K.P.Narayanakumar,
Advocate

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 319(2), 318(4), 336(2),

1/6



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338, 336(3), 340(2), 344 and 61(2) of BNS (Corresponding offence under Sections 419, 420, 465, 467, 468, 471, 477(A) and 120(b) of IPC) in Crime No.9 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the property situated in Survey No.642/2C at Melakaram Village, Tenkasi District, measuring an extent of 13 cents was purchased by the defacto complainant's husband. By impersonation, A3 obtained forged death certificate and a forged legal heir certificate relating to the defacto complainant and her husband and executed a power deed in favour of A2 and A3. In the said power deed, A4 and A5 are the attesting witnesses. A6, who was the Sub Registrar, registered the above said document. On the basis of the said power deed, A2 and A3 illegally sold the above said property to a third party. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is



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ready and willing to abide by any conditions which may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is an attesting witness to the forged power deed. He further submitted that the co-accused were already granted anticipatory bail. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, and also considering the fact that the co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

- (a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;
- (c) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (d) the petitioner 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 law as if the conditions have been imposed and the petitioners released on



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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]*; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS 2023.

09.01.2026

CP

TO

1.The Judicial Magistrate No.I, Tirunelveli.

2.The Inspector of Police,
District Crime Branch,
Tenkasi.

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



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S.SRIMATHY,J

CP

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