



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP Nos. 15734 &15592 of 2026**

S. Mourthy  
S/o. Shanmugam,  
No. 34/571 KH Road,  
Gandhi Road, Kattivakkam,  
Thiruvallur 600057

.... Petitioner in Crl.O.P.No.15734 of  
2026

Kesavan  
S/o, Ranganathan  
No.2-A Thirumal Nagar,  
1<sup>st</sup> Main Street,  
Vinayagapuram,  
Thiruvallur – 600 099

...Petitioner in Crl.O.P.No.15592 of  
2026

State Represented by  
The Inspector of Police,  
M3, Puzhal Police Station,  
Chennai-600 066.  
Crime NO.452 of 2026

..Respondent in both  
the Crl.O.Ps

PRAYER in Crl.O.P.No.15734 of 2026: This Criminal Original Petition is filed under Section 482 of BNSS, praying to Grant an order of Anticipatory Bail directing the Respondent Police to release the Petitioner on bail in the event of his arrest in connection with FIR No.0452/2026 on the file of the M-3 Puzhal Police Station, Chennai pending on the file of the learned District Munsif Cum Judicial Magistrate, subject to any reasonable terms and conditions as this Honorable Court.



**PRAYER in CRL OP No.15592 of 2026:** This Criminal Original Petition is filed under Section 482 of BNSS, praying to enlarge the petitioner on bail in the event of arrest in connection with the above said Crime No.452 of 2026 on the file of the respondent.

For Petitioner(s): Mr.Murali Raja Gopalan (Crl.O.P.No.15734/26)

For Petitioner: Mr.Thirumalai.B (Crl.O.P.No.15592 of 2026)

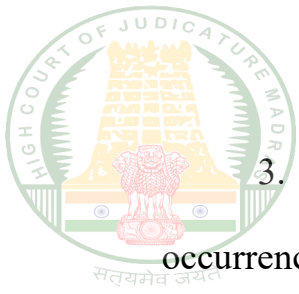
For Respondent(s): Mr.N.Palanivel  
Government Advocate (Crl.Side)

For Intervenor Mr.M.Gnanasekar

### **COMMON ORDER**

The petitioners apprehend arrest for the alleged offences under Sections **406, 420, 468 and 471 of the Indian Penal Code** in Crime No.452 of 2026 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the accused persons, by cheating and using forged documents, allegedly cheated the defacto complainant and unlawfully alienated the property belonging to the legal heirs. Hence the complaint.



3. Learned counsel for the petitioners submitted that the alleged occurrence took place between 04.10.2019 and 28.04.2024. According to the petitioners, the property originally belonged to one Jayashankar, who died intestate leaving behind three legal heirs, namely his mother, wife, and daughter. However, Accused No. 1 (A1), who is the paternal uncle of the de facto complainant, allegedly obtained a fabricated legal heirship certificate by intentionally omitting the other two legal heirs, namely the wife and daughter of the deceased Jayashankar. He further submitted that any serious overt act alleged in this case is solely attributable to Dhanapal (A1). He also submitted that vide order dated 17.06.2026, co-accused Dhanapal (A1) was granted anticipatory bail. Therefore, on the grounds of parity, the learned counsel prayed for the grant of anticipatory bail to the present petitioners as well. He further submitted that the petitioners are innocent persons and a false case has been foisted against them and that they have not committed any offence as alleged by the prosecution.

4. Learned Counsel appearing for the Intervenor strongly objected the contention of the petitioners and submitted that in the earlier bail application, the defacto complainant did not receive any notice and after came to know about the grant of anticipatory bail to A1, she had moved an application for cancellation of bail. Hence, he prayed for dismissal of this petition.



5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners.

6. I have given my anxious consideration to either side submissions.

7. Considering the nature of the allegations and the factual matrix, wherein Accused No. 1 (A1) and the de facto complainant are closely related, and taking note of the fact that the co-accused has already been granted anticipatory bail, this Court is of the firm view that the present petitioners are also entitled to have parity. Consequently, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Madhavaram** on condition that **each of the petitioners 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 of the learned Magistrate concerned, and on further conditions:



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(a) If the petitioners fail to surrender before the concerned learned 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 slip (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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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]*;

(e) If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

**09-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
MFA



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To

1. The Judicial Magistrate,  
Madhavaram

2. The Inspector of Police,  
M3, Puzhal Police Station,  
Chennai-600 066.

3. The Public Prosecutor,  
High Court, Chennai.



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**C.KUMARAPPAN, J.**

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**CRL OP Nos. 15734 &15592 of 2026**

**09-07-2026**