



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 17822 of 2026

1. P.Girija @ Girijambal
2. PJagadeesan
3. P.Rajeswari
4. R.Lalitha
5. A.Anburajendran
6. C.Vasanthakumar

..Petitioner(s)

Vs

State, represented by The Inspector of Police,
Attaiyampatti Police Station,
Salem District.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, enlarge the petitioners on bail in the event of their arrest concerned in Crime No.Not Known of 2026, on the file of the Inspector of Police, Attaiyampatti Police Station, Salem District.

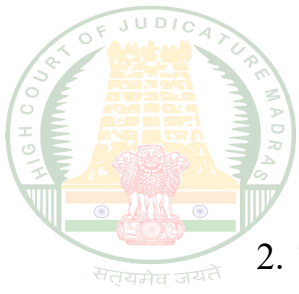
For Petitioner(s): M/s.N.Vijaya Basker

For Respondent(s): MS.R.S.INDIRA,
GOVT.ADVOCATE (CRL.SIDE)

Mr.S.Kalai Kumar for Intervenor

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 338, 336(3) & 329 of BNS (467, 468 & 447 of IPC) in Crime No. Not Known of 2026 on the file of the respondent police seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant lodged a complaint stating that he purchased a land to an extent of 2.89 acres from the accused persons on 02.09.2005 and he was in continuous possession and enjoyment from 2005-2013. It is alleged that in 2013, the accused persons colluded together and fabricated a false re-conveyance agreement claiming that the original sale was merely a security for loan and the defacto complainant had agreed to re-transfer the property upon repayment and by using the said fabricated document, the accused persons had trespassed into the property, destroyed the crops and attempted to dispossess the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged by the de facto complainant and they have been falsely implicated in this case. He submitted that in respect of a civil dispute, the present FIR came to be registered against the petitioners for the occurrence that had taken place on 02-09-2005. He further submitted that they are ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioners.

4. According to the prosecution case, the defacto complainant entered into a conditional sale deed for the amount borrowed by the petitioners from the defacto complainant. In this regard, there is also a suit pending between the



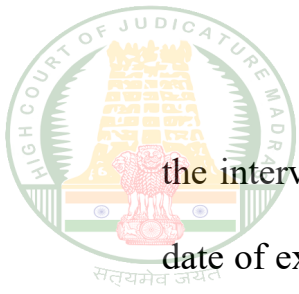
parties since 2013. In the meanwhile, the legal heirs of the defacto complainant also filed a suit. Both the suits were tried together and a decree was also passed in the year 2025. Thereafter, an appeal has also been preferred. It is the contention of the learned counsel for the petitioner that since there is a civil litigation, the very FIR against the petitioners is an abuse of process of law and they are entitled to enlarge on anticipatory bail.

5. The contention of the learned counsel for the petitioner was totally objected by the learned counsel for the intervener and submitted that they relied upon the agreement which has been executed in a stamp paper purchased on a subsequent period. Therefore, there is a clear forgery exist and unless the petitioners are taken on custody, it would become difficult to find out as to where they have purchased and who are all the persons involved.

6. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the contention of the learned counsel for the Intervenor and opposed to grant anticipatory bail to the petitioners.

7. I have given my anxious consideration to either side submissions and perused the materials available on record.

8. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, while looking into the factual position, admittedly, there was an agreement between the petitioners and the defacto complainant and a suit was pending between them since 2013 in which the decree was passed only during 2025. Though the learned counsel for



the intervenor refers about the date of the purchase of the stamp paper and the date of execution of the document, those things could be effectively adjudicated in a civil proceedings. Therefore, as rightly contended by the learned counsel for the petitioners, at this length of time, the custodial interrogation of the petitioners are not required as there is an element of civil nature of dispute involved in the present case and apart from that, some of the petitioners are women. Hence, considering the above totality of circumstances, this Court is of the firm view that the custodial interrogation of the petitioners are not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

9. 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-IV, Salem District** on condition that **the petitioners shall execute a separate 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:

(a) If the petitioners fails 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 ship (Judicial Form



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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, everyday at 10.30 a.m., 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 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]*;

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

21-07-2026

NR

To:

1. The Judicial Magistrate-IV, Salem District
2. The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN, J.

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