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Crl.O.P.No.30010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30010 of 2024

1 Divyabharathi

2 Aarathana

...

PETITIONERS

Vs

1 State Rep. By

The Inspector of Police,

Avadi CCB Police Station,

Avadi City CCB, Tiruvallur District,

(Crime No.41 of 2024)

...

RESPONDENT

PRAYER: The Criminal Original Petition has been filed under Section 482 of B.N.S.S. to enlarge the petitioners on bail in the event of their arrest in Crime No.41 of 2024 on the file of the respondent police pending investigation and thus render justice.

For Petitioners : Mr.S.Abdul Khadhar

For Respondent : Mr.S.Santhosh
Government Advocate

For Intervenor : Mr.K.Karthick Jothi



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ORDER

Apprehending arrest in connection with Crime No.41 of 2024 registered for the offences punishable under Sections 120B, 465, 468, 467, 471, 420 of IPC, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the accused/A1 by impersonation and fabrication of documents had settled the property belonging to the defacto complainant in favour of her daughters A3 & A4, in which, A5 & A6 have stood as witnesses.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been implicated in this case without their knowledge. He would submit that the petitioners are settlees of the property, which was executed by their mother in the year 2014 and the petitioners, under the genuine impression that their mother was the owner of the property, had accepted the property. He would submit that later, the



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respondent/defacto complainant has given a false complaint as if the property belongs to him. He would further submit that A1 mother of the petitioners has been arrested and released on bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioners are daughters of A1 and they are the settlees and beneficiaries under the transaction.

5.Mr.K.Karthick Jothi, learned counsel appearing for the defacto complainant/Intervener vehemently opposed and stated that the petitioners are the settlees and beneficiaries of the property and objected for grant of bail.

6.Heard Mr.S.Abdul Khadhar, learned counsel appearing for the petitioners and Mr.S.Santhosh, learned Government Advocate (Crl.side) appearing for the respondent and Mr.K.Karthick Jothi, learned counsel appearing for the Intervener and perused the materials available on record.

7.Taking into consideration of the fact that A1, who is the main accused, had impersonated and settled the property to the petitioners/A3 &



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A4 and the petitioners are only the settlees of the property and A1 was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Ponneri, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 said Magistrate, on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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;



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**[c] the petitioners shall report before the respondent
Police everyday at 10.30 a.m until further orders;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560];

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

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A.D.JAGADISH CHANDIRA, J.,

sms

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