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CRL O.P. No.52 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. M. Mani S/o. Munusamy
2. P.V. Neela W/o. M. Suresh
3. V. Ravi S/o. Venkatesan
4. P. Venkatachalam S/o. Poongavanam ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Central Crime Branch-I,
Chennai - CCB, Chennai District.
[Cr. No.206 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.206 of 2024 on the file of the respondent police.

For Petitioner : Mr.S. Bharanidharan

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offence punishable under Sections 420, 465, 467, 468, 471, 120-B and 109 of IPC in connection with the case in Crime No.206 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had forged the Doc. No.1763 of 1934 dated 01.11.1934 by changing the Survey number from S.No.5/D to 51/1 and thereafter, claimed the title of the property belonging to the defacto complainant.

3. Learned counsel for the petitioner would contend that the petitioners are arrayed as A2 to A5; that A2 is the Power holder of one Karunakaran, who is arrayed as A1; that A3 to A5 are the subsequent purchasers; that based on the Power of Attorney, even as per the prosecution, there was a partition between the sons of one Thangavelu Pillai, in which, the subject property was allotted to the heir of one Ramachandra Pillai and from whom, after family partition, the petitioners, purchased the property; and that in any case, the allegations



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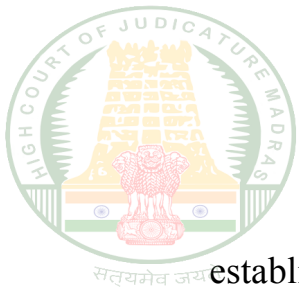
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are civil in nature; that earlier complaint was closed as 'mistake of fact' and as per the directions of the Magistrate, the instant complaint was registered and in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that the partition deed executed in the year 1950 is genuine, in which, 40 cents was allotted as share of one Ramachandra Pillai in Survey No.51/1.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegations, the submissions made by either side, this Court is of the view that the involvement of the petitioner in the alleged alteration made in the document executed in the year 1934, has to be



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established before the Trial Court and since the allegations are borne out by records, the custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioners 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 **Metropolitan Magistrate for exclusive trial of CCB Cases & CBCID Metro cases, Egmore, Chennai** on condition that the petitioners shall each execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and



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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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

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

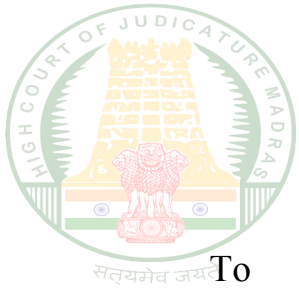
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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To
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- 1.The Metropolitan Magistrate for exclusive trial of CCB Cases & CBCID Metro cases, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Central Crime Branch-I, Chennai - CCB, Chennai District.

SUNDER MOHAN. J.,

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