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Crl.O.P.No's.1064 and 949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No's. 1064 and 949 of 2025

Sankara Narayanan

...Petitioner in Crl.O.P.No.1064 of 2025

1.D.Vanaja

2.D.Subathra

3.D.Suganya

...Petitioners in Crl.O.P.No.949 of 2025

S.Pawan Kumar

...Intervenor/Defacto complainant

Vs

The State Represented By,

The Inspector of Police,

Avadi- Central Crime Branch,

Avadi City.

(Crime No.133 of 2024)

Respondent in both Crl.O.P.No's.

For Petitioner(s) in both Crl.O.P.No's.:

Mr.R.Nandhakumar

For Respondent(s) in both Crl.O.P.No's:

Mr.S.Santhosh

Government Advocate (Crl.Side)

For Intervenor/defacto complainant:

Mr.Sankarasubbu

ORDER

Apprehending arrest in connection with Crime No.133 of 2024

registered for the offences punishable under Sections 465, 467, 468, 420 and

506(1) of the Indian Penal Code, 1860, the present petition has been filed



seeking anticipatory bail.

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2. The case of the prosecution is that the defacto complainant had purchased a property measuring 12 Acres 38 cents from A-1 in the year 2010, by a registered sale deed and he is in possession of the property. Subsequently, after sale of the property, A-1 along with his children, A-2 to A-5 have created a fabricated un-registered sale agreement, based on which, they have also filed a suit to set aside the sale executed in favour of the defacto complainant and thereby attempted to cheat the defacto complainant. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this court. He would submit that the A-1, who is the father of the other petitioners/A-2 to A-5, has sold the ancestral property without their knowledge to the defacto complainant. Thereby, the children of A-1, who are the owners in the property have filed a suit seeking to set aside the sale deed and thereby a false complaint has been given. He would submit that, even as per the prosecution, there is only an agreement for sale and it has not been given to effect. He would submit that A-1, A-3 and A-6 were arrested and they were taken to remand and the learned Judge finding that the allegations are civil in nature and had refused to accept the remand. He would submit that against the suit filed by the petitioners, the defacto complainant has filed an application under order 7 rule XI, seeking to



reject the plaint and the plaint itself has been rejected. He would submit that a case of civil nature has been given a criminal colour. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail is that, totally 7 accused involved in this case, and that the petitioners herein are A-2, A-4, A-5 and A-7. He would submit that A-2 prepares a fake un-registered agreement and based on which, in collusion with the other accused, they had executed a sale in favour of A-6. He would submit that a civil suit is pending between the parties before the Poonamalle Sub-Court.

5. The learned counsel for the intervenor/defacto complainant would vehemently opposed stating that, based on the fabricated sale agreement, the petitioners have attempted to usurp the property which was already sold to the defacto complainant. The petitioners have also filed a civil suit and they had threatened the defacto complainant. He would submit that the un-registered sale agreement has been said to be prepared by an advocate, who has died even



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prior to the date of agreement of sale.

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6. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor/defacto complainant and perused the materials available on record, taking into consideration the facts and the submissions, this court is of the opinion that the custodial interrogation of the petitioners may not be required, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.1, Poonamallee**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 condition that:



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[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 shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[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]**;

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

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A.D.JAGADISH CHANDIRA, J.

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