



CrI.O.P.No.1298 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

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

CrI.O.P.No.1298 of 2025

1. Srinivasan
2. Gomathi
3. Murugan

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Sholavaram Police Station,
Redhills, Chennai.
(Crime No.8 of 2025).
2. Pon Ramar,
S/o. Muthaiah Pillai,
No.43, Santhiyappan Street,
Ottery, Chennai - 12.

(R2 suomotu Impleaded as per order dated 17.01.2025
in CrI.OP.No.1298 of 2025)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.8 of 2025, on the file of the respondent police.

For Petitioners : Mr.D.Jagan
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



ORDER

WEB COPY Apprehending arrest in connection with Crime No.8 of 2025 registered for the offences punishable under Section 329, 308 (3), 309 (5) of BNS, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. Learned counsel for the petitioners would submit that due to property dispute, a false complaint has been lodged. He would further submits that the petitioners are innocent and they have been unnecessarily implicated in this case. He also submits that the latest Chitta & Adangal were granted in favour of the petitioners on 20.01.2025, based on which, they are enjoying the property. He further submits that the defacto complainant is not a owner of the property. The petitioners have also produced the latest patta in favour of them. He further submits that petitioners have no previous case against them. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.



3.The case of the prosecution as putforth by the learned Government

Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners fabricated the documents are had encroached the property that belongs to the defacto complainant and accordingly obtained fraudulent patta, chitta & Adangal using forged documents.

4.Having 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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 Judicial Magistrate Court, Ponneri on condition that the petitioners shall execute a bond each 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 said Magistrate, on further condition 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 are directed to hand over the Chitta and Adangal issued by the Village Administrative Officer, Attanthangal Village, Ponneri Taluk, Thiruvallur District to the second respondent.

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter on every Saturday 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 abscond, a fresh FIR can be registered under Section 269 of BNS.

29.01.2025



WEB COPY



Crl.O.P.No.1298 of 2025

A.D.JAGADISH CHANDIRA, J.

av

Crl.O.P.No.1298 of 2025

29.01.2025