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Crl.O.P.No.1879 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 1879 of 2025

1. S Kalaiarasi

2. S. Pavithra

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Avadi-CCB, Avadi City, Chennai District.
(Crime No.108 of 2024)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.108 of 2024, on the file of the respondent police.

For Petitioner(s): Mr. S Ramajayam

For Respondent(s): Public Prosecutor



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 420 of IPC in Crime No.108 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the disputed property belongs to the defacto complainant, who had acquired the same by a valid sale deed; that the petitioners and other accused person/ A3, who is the son of the first petitioner herein by creating forged documents and patta made a false claim over the defacto complainant's property. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the first petitioner's husband is the original owner of the disputed property and he had executed settlement deed in favour of his children and the patta of the disputed property also stands in their favour, but, the defacto complainant by a fraudulent sale deed claims that the disputed property belongs to him; that the defacto complainant had filed a



Crl.O.P.No.1879 of 2023

civil suit against the petitioners in O.S.No.265 of 2023 pending before the

District Munsif Court at Ambattur, wherein the petitioners have filed counter claim against the defacto complainant seeking relief of null and void of his fraudulent sale document; that the defacto complainant also filed a writ petition in W.P.No.24882 of 2024 seeking cancellation of the patta issued by the revenue authorities to the petitioners. He would further submit that the said patta is a manual patta issued after due enquiry made by the concerned authorities and the petitioners are having valid documents to prove their title and possession over the disputed property; that the co-accused was arrested and released on bail; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that there is a civil suit pending between the petitioners and the defacto complainant claiming title over the disputed property; that the writ of mandamus petition filed by the defacto complainant in W.P.No.24882 of



Crl.O.P.No.1879 of 2024

2024 has been disposed of by this Court vide order dated 30.08.2024 by directing the Tahsildar, Avadi Taluk, Thiruvallur District to consider the application submitted by the defacto complainant and that the investigation is pending, hence opposed for the grant of anticipatory bail to the petitioners.

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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, the fact that there is a civil suit pending between the parties, the co-accused was arrested and released on bail, the petitioners herein are ladies and the alleged offences are borne out by records and since, custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 on which the order copy made ready, before **the learned Judicial Magistrate Court No.I at Poonamallee** on condition that the petitioners shall 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 condition that:

[a] 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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



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Crl.O.P.No.1879 of 2025

SUNDER MOHAN, J.

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[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.

12.02.2025

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To

1. State Rep.By, The Inspector Of Police,
Avadi-CCB, Avadi City, Chennai District.

Crl.O.P. No.1879 of 2025