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Crl.O.P.Nos.1901, 2165 and 2166 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

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THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.Nos.1901, 2165 and 2166 of 2025

G.Swaminathan ...Petitioner/Accused - 6
in Crl.O.P.No.1901 of 2025

C.Jaseetha ...Petitioner/Accused
in Crl.O.P.No.2165 of 2025

P.Chandrasekaran ...Petitioner/Accused
in Crl.O.P.No.2166 of 2025

Vs.

State Represented by
The Inspector of Police,
Central Crime Branch, Tambaram,
Sholinganallur,
Chennai – 600 097.
(Crime No.03/2025)

...Respondent/Complainant
in Crl.O.P.No.1901 of 2025

State Represented by
The Inspector of Police,
Central Crime Branch,
Tambaram Commissionerate
Chennai – 600 119.
(Crime No.3/2025)

...Respondent/Complainant
in Crl.O.P.Nos.2165 and 2166 of 2025.



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Common Prayer : Criminal Original Petitions filed under Section 482 of BNSS, praying to enlarge the petitioners on bail in the event of their arrest in connection with the Crime No.03 of 2025 pending on the file of the respondent police.

For Petitioner
in Crl.O.P.No.1901 of 2025 : Mr.R.Gandhi
Senior Advocate
for Mr.V.Sudhan

For Petitioner
in Crl.O.P.Nos.2165 and 2166 of 2025
: Mr.Peramaiyan G

For Intervenor
in Crl.O.P.No.1901 of 2025 : Mr.R.Thiyagarajan
for Mr.S.Venkata Krishna Kumar

For Respondent
in all Crl.O.Ps. : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 319(2), 318(4), 336(2), 336(3), 336(4), 338, 340(2) and 61(2) of BNS, 2023, in Crime No.03 of 2025, on the file of the respondent police, seek anticipatory bail.



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2. It is the case of the prosecution that one Mr.V.V.Subramaniam, was the original owner of the property measuring 5500 sq.ft in plot Nos.188 and 189 in Sri Balaji Nagar Layout, Madipakkam; that the said Mr.V.V.Subramaniam, had sold the property to the *de-facto* complainant's parents by a Sale Deed bearing Document.No.1202 of 1968, dated: 25.06.1968; that taking advantage of the absence of *de-facto* complainant, certain persons had impersonated the said Mr.V.V.Subramaniam and executed a Sale Deed in favour of one Chellamal and made it appear that it was executed in the year 1964; that thereafter, Mrs.Chellamal executed a Settlement Deed in favour of one Mrs.Ranjitham; that Mrs.Ranjitham executed a Power of Attorney in favour of one Mr.Anandraj; that based on the Power of Attorney, a Sale Deed was executed in favour of one Mr.Mohammed Younus, claiming that the total extent of the property is 5600 sq.ft; that the Mr.Mohammed Younus, executed a Power of Attorney in favour of Mr.Suresh and Mr.Suresh based on the power had executed a Sale Deed in respect of plot No.188 in favour of the petitioner in Crl.O.P.No.1901 of 2025. Similarly, based on a power given to Mr.Nagore Gani by the said Mr.Mohammed Younus, plot No.189 was sold to the petitioners in Crl.O.P.No.2165 and 2166 of 2025. Hence, the case.



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3. Mr.R.Gandhi, the learned Senior Counsel for the petitioner in Crl.O.P.No.1901 of 2025 and Mr.Peramaiyan G, the learned counsel for the petitioners in Crl.O.P.Nos.2165 and 2166 of 2025, would submit that the documents by which they purchased the property would clearly show that they had purchased the property for valuable consideration, and if the case of the complainant is true, they themselves are victims of fraud played on them; and that in any case, their custodial interrogation is not required for the purpose of investigation and sought for anticipatory bail.

4. Mr.R.Thiyagarajan, the learned Senior Counsel for the *de-facto* complainant/intervenor, however, submitted that since the petitioners are now aware of the title of the *de-facto* complainant, they ought to be prevented from making further encumbrances and also from making any other additional constructions on the property since plot No. 189, which is sub divided into two plots, i.e., 189(a) and 189(b), is vacant.

5. Heard Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (Crl.Side) for the respondents and perused the materials



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available on record.

6. Considering the submissions made on either side and on pursuing the sale documents, this Court is of the view that the petitioners are innocent purchasers, and there is nothing on record to show that they were also involved in the alleged act of forgery said to have been committed by their predecessors in title. In any case, this Court is of the view that considering the facts and circumstances of the case, the petitioners in Crl.O.P.Nos.2165 and 2166 of 2025 shall file affidavits of undertaking before the Trial Court, not to create any third-party interest, and the petitioner in Crl.O.P.No.1901 of 2025 shall also state that he would not put up further constructions.

7. Considering the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the



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learned *Judicial Magistrate, Tambaram*, on condition that the petitioners shall execute separate 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 condition that:

[a] the petitioners in Crl.O.P.Nos.2165 and 2166 of 2025 shall file affidavits of undertaking before the Trial Court, not to create any third-party interest in the property;

[b] the petitioner in Crl.O.P.No.1901 of 2025 shall file an affidavit of undertaking before the Trial Court that he would not create any third party interest and that he would not put up further constructions in the property;

[c] 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;

[d] the petitioners shall report before the respondent Police, as and when required for the interrogation;

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



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

[g] 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* reported in [(2005)AIR SCW 5560];

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

05.02.2025

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To

- 1.The Judicial Magistrate,
Tambaram.
- 2.The Inspector of Police, Central Crime Branch, Tambaram,
Shollinganallur, Chennai – 600 097.
- 3.The Inspector of Police, Central Crime Branch,



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4.The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN,J.

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