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Crl.O.P.No.2360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

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

Crl.O.P.No.2360 of 2025

T.Elanchezhiyan

...Petitioner/Accused

Vs.

The State Rep. by
The Special Sub-Inspector of Police,
DCB Police Station,
Thiruvallur.
(Crime No.9 of 2024)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant anticipatory bail for the petitioner in the
event of arrest by the respondent police concerned in Crime No.9 of 2024, on the
file of the respondent police.

For Petitioner : Ms.S.Priyadarshini

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 419, 420, 465, 468, and 471 of IPC and Sections 66(C) and 66(D) of the IT Act, in Crime No.9 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the *de-facto* complainant's father passed away on 14.04.2020 and his mother passed away on 26.01.1995; and that when his mother was alive, she had purchased land in Plot Nos. 26, 27, and 28 at Girinagar Layout, in Survey No. 129/2, Ramapuram; that after the death of the *de-facto* complainant's parents, the *de-facto* complainant, his brother, and his sisters wanted to divide their shares in the said property, and they found out that a fraudulent Power of Attorney was created as if their mother executed a general Power of Attorney dated 27.04.2024 to one Mr. Raja/A2, and on the complaint, an FIR was registered. Hence, the case.

3. The learned counsel for the petitioner/accused would submit that the petitioner has no role in the alleged transaction and sought to be implicated on the confession of his father/A5; and that in any case, the Power of Attorney has been



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cancelled subsequently and no loss has been caused to the *de-facto* complainant; and that the custodial interrogation of the petitioner is not required for the purpose of the case and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) for the respondent police, on instructions, confirms the said fact that the Power of Attorney has been cancelled and submitted that the petitioner also was involved in the offence and objected to the grant of anticipatory bail.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the case was initially registered against A5/father of the petitioner and the petitioner is sought to be implicated on the confession of his father/A5, and that the Power of Attorney has already been cancelled, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, the anticipatory bail is granted to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a 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 said Magistrate, on further condition that:

[a] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.02.2025

dk

To

- 1.The Judicial Magistrate,
Gummidipoondi.
- 2.The Special Sub - Inspector Police,
DCB Police Station,
Thiruvallur.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
dk

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