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Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.04.2025

PRONOUNCED ON : 30.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025

Crl.OP.No.2725 of 2025

Devikala

... Petitioner / A9

Vs.

State, Rep. by

The Inspector of Police,

Chennai CCB (LGIW),

Chennai.

(Crime No. 9 of 2025)

... Respondent/complainant

[Cause title amended as per the order of the Court [SMJ] made in Crl.MP.No.4203 of 2025 in Crl.OP.No.2725 of 2025 dated 24.04.2025]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.9 of 2025, on the file of the respondent Police.

Crl.OP.No.3343 of 2025

Kalaiselvi

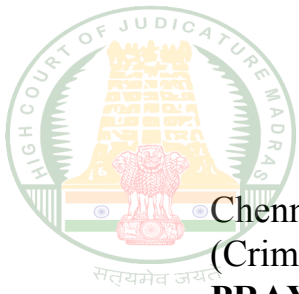
... Petitioner /A1

Vs.

State, Rep. by

The Inspector of Police,

CCB-1, Chennai CCB Police Station,



Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025

Chennai District.

(Crime No. 9 of 2025)

... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.9 of 2025, on the file of the respondent Police.

Crl.OP.No.2796 of 2025

Dharmalingam

... Petitioner /A2

Vs.

State, Rep. by

The Inspector of Police,

Central Crime Branch

Chennai District.

(Crime No. 9 of 2025)

... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.9 of 2025, on the file of the respondent Police.

Crl.OP.No.2780 of 2025

M.Sellakkannu

... Petitioner /A3

Vs.

State, Rep. by

The Inspector of Police,

Chennai Central Crime Branch

Gamma-6, LFIW-II,

Chennai.

(Crime No. 9 of 2025)

... Respondent/complainant



Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.9 of 2025, on the file of the respondent Police.

For Petitioners

in Crl.OP.No.2725/25 : Mr.T.Muruganantham

in Crl.OP.No.3343/25 : Mr.R.Anbazhagan

in Crl.OP.No.2796/25 : Mr.S.Chinnasamy

in Crl.OP.No.2780/25 : Mr.S.Sagayanathan

For Respondent

: Mr.S.Santhosh
Govt. Advocate (Crl.Side)

For Intervenor

: Mr.A.M.Ravindranath Jayapal
Standing counsel for TNHB

COMMON ORDER

The petitioners/A1, A2, A3 & A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468, 471, 447, 109 and 120B of IPC on the file of the respondent police, seek anticipatory bail.

2. (i) The case of the prosecution is that the disputed property bearing Plot No.7/861 measuring 640 sq.ft belonged to the Tamil Nadu Housing Board [TNHB]; that it was allotted to one P.Jayanthi on 16.02.2000; that thereafter, the first accused [Kalaiselvi-petitioner in



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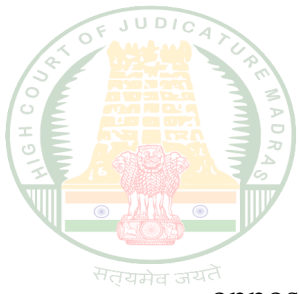
Crl.OP.No.3343 of 2025], who was working in the TNHB as Manager-Marketing & Service, by creating a fake allotment order of the year 1987 in favour of A2-Dharmalingam, had executed the sale deed bearing Doc.No.6130 of 2023 on the file of the Sub Registrar's Officer Konnur, in favour of the said A2-Dharmalingam (*petitioner in Crl.OP.No.2796 of 2025*) on 30.08.2023; that the said Dharmalingam [A2] had executed a power of attorney in favour of Durai Pandiyan [A4] vide Document No.6131 of 2023 dated 30.08.2023; and that the said Durai Pandiyan had executed a sale deed on 15.07.2024 bearing Document No.4606 of 2024 by making use of the said power to one Jegatheesan [A5] and Dhanalakshmi [A6], who in turn executed a power of agent in favour of A3-Sellakkannu (*petitioner in Crl.OP.No.2780 of 2025*) vide document No.5197 of 2024 dated 14.08.2024.

(ii) It is the further case of the prosecution that all the accused entered into a conspiracy to grab the property of the TNHB, which was allotted to one P.Jayanthi; that A2 and A3 and A4 are closely related to each other; that A3 is the ultimate beneficiary; that instead of directly executing the sale deed in favour of A3, the accused executed several documents in between, in collusion with each other. A5 who signed as a



witness in the documents is the business partner of A3 and A9-Devikala (petitioner in Crl.OP.No.2725 of 2025) is the document writer, who had drafted all the documents.

3. The learned counsels for the petitioners submitted that the prosecution case that the land was allotted to P.Jayanthi is not supported by any document; that since P.Jayanthi had filed a writ petition against the TNHB, the TNHB has come up with the false complaint; that the sale deed was executed by the first accused, which was countersigned by four officers belonging to TNHB and that therefore, it cannot be said that the first accused alone had executed the sale deed; that the other documents which followed the sale made to Dharmalingam [A2] were done in the course of regular real estate transactions; that merely because A2, A3 and A4 are relatives, it cannot be said that there was a conspiracy to grab the property of the TNHB; that in any case, the custodial interrogation is not required, since, all the petitioners had appeared before the TNHB and before the respondent/investigating officer, pursuant to the directions of this Court and hence, sought for anticipatory bail to the petitioners.



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4. (i) The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that A2, A3 and A4 are closely related to each other; that the receipts produced by A2 as proof of monthly payments to TNHB are all forged; that A9, the petitioner in Crl.OP.No.2725 of 2025 is a document writer, who drafted all the sale deeds, which would also confirm the fact that there was a conspiracy amongst all the accused; and that the land was actually allotted to P.Jayanthi and since the allegations relate to forgery and cheating, custodial interrogation of the petitioners is required;

(ii) The learned Government Advocate (Crl. Side) also produced the copy of the file maintained by TNHB and submitted that in respect of Plot No.7/861, there is no entry in the register mentioning the person to whom it was allotted. He further produced the letter dated 12.01.2000 to show that the property was allotted to P.Jayanthi.

5. The learned standing counsel for TNHB submitted that the accused not only created false documents, but also removed certain files from TNHB in collusion with A1, who was employed with TNHB as



Manager- Marketing & Service and that custodial interrogation is therefore required and opposed the grant of anticipatory bail.

6. This Court carefully considered the rival submissions and perused the records.

7. It is not in dispute that A2 to A4 are closely related to each other. The accused claimed that the allotment in respect of the disputed property was made in favour of A2 in the year 1987. In the sale deed bearing Document No.6130 of 2023, executed in favour of A2 by the TNHB signed by the first accused, reference is made to the allotment order in favour of A2. However, they were not able to produce the said allotment order. Further, though the respondent has produced the allotment order in favour P.Jayanthi dated 16.02.2000, in the said order, the extent was shown as 640 sq.ft. and thereafter corrected as 1763 sq.ft. The disputed property measures an extent of 640 sq.ft..

8. Be that as it may. In the copy of the Allotment Register maintained by the TNHB, it is seen that though in respect of other plots, the names of persons who were allotted is mentioned, in respect of this



plot, the name of the allottee is not mentioned. The sale deed executed by A1 has been countersigned by a few other officers of TNHB.

9. This Court cannot at this stage decide whether the case of the prosecution or the defence is probable. However it is seen that all the allegations against the petitioners are borne out by records. Further, pursuant to the earlier directions of this Court, the petitioners had appeared for enquiry before the respondent regularly.

10. Considering all the above facts, this Court is of the view that the nature of the allegations do not warrant custodial interrogation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

11. 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 Metropolitan Magistrate for the Exclusive Trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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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 learned Magistrate concerned 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 daily at 10.30 a.m., until further orders.

[c] the third accused/the petitioner in Crl.OP.No.2780 of 2025 shall not create any third party interest in the property and shall file an affidavit to that effect before the learned Magistrate.

[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



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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 B.N.S.

30.04.2025

ars



Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025

SUNDER MOHAN, J.
ars

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- To
- 1.The Metropolitan Magistrate
for the Exclusive Trial of CCB Cases
(relating to Cheating Cases in Chennai)
and CBCID Metro Cases,
Egmore, Chennai.
 - 2.The Inspector of Police,
Chennai CCB (LGIW),
Chennai.
 - 3.The Public Prosecutor,
High Court of Madras.

Pre-delivery common order in
Crl.O.P.Nos.2725, 3343, 2796 & 2780 of 2025

30.04.2025