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CRL O.P. No.3010 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3010 of 2025

B.Sumathi

... Petitioner

Vs

State represented by,
The Sub Inspector of Police,
K-2, Ayanavaram Police Station.
(Crime No. 23 of 2024)

....Respondent

B.Aravind

...Defacto complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner, in Crime No.23 of 2024 on the file of the respondent police.

For Petitioner : Mr.Prakash P P

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

For Intervenor : Mr.S.Muthukumar



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ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 318(2), 336(3), 335 and 345 of Bharathiya Nyaya Sanhita(BNS), 2023, in connection with the case in Crime No.23 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner by falsely claiming to be the wife of one Bhaskar had forged certain documents including his legal heirship certificate and the missing certificate (relating to some documents) said to have been issued by the Sub Inspector of Police, Ayanavaram; that she filed a suit in the year 2013 on the file of V Assistant City Civil Judge, Chennai, in O.S.No. 1715 of 2013; and that because of acts of the petitioner the defacto complainant was put to great hardship and loss; and thus the petitioner had committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the documents alleged to be forged were filed along with the plaint in O.S.No.1715



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of 2013; that the question as to whether, the documents can be relied upon is

pending adjudication in the said suit and submitted that in any case, the custodial interrogation of the petitioner is not necessary.

4. The learned counsel for the defacto complainant would submit that the petitioner not only forged the documents, but also had taken contrary stands before the City Civil Court and before this Court in CrI.O.P.No.959 of 2018, while seeking probate of the will of one Devaki. In the said petition, the petitioner has stated, as if, she is the wife of one Shankar, whereas in the suit, she claimed to be the wife of Bhaskar, who is the father of the defacto complainant; and that the respondent have now found that the missing certificate filed by the petitioner before the City Civil Court, said to have issued by the Ayanavaram Police Station, is a forged one and hence opposed the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (CrI.Side) reiterated the prosecution case and submitted that the petitioner had falsely claimed to be the wife of said Bhaskar and opposed the grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner, the learned counsel for the defacto complainant, the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

7. It is seen from the submissions that the petitioner had forged certain documents and also taken different stands in different two forums. However the issue in this petition, is not whether the petitioner has committed any offence. The issue is to whether the custodial interrogation of the petitioner is required. Considering the nature of allegations, and since the allegations are borne out by records, and the documents said to be forged were filed in the Court along with the plaint in the year 2013, this Court is of the view that the custodial interrogation of the petitioner may not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions. However, considering the fact that the serious allegations have been made against the petitioner, the respondent police shall conduct the investigation as expeditiously as possible and file a final report, within a period of two months from the date of receipt of a copy of this order,



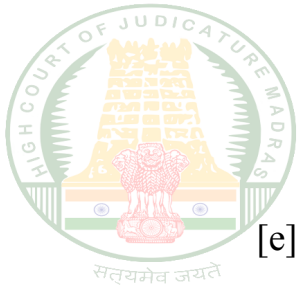
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WEB COP 8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **V Metropolitan Magistrate Court at Egmore, Chennai District**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner 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.

[c] **the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.**

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



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[e] the petitioner shall not abscond either during investigation or trial.

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

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

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drl



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- 1.The V Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The The Sub Inspector of Police,
K-2, Ayanavaram Police Station.



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SUNDER MOHAN. J.,

drl

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