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Crl.O.P.No.3680 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3680 of 2025

1. G. Ramalingam
2. R. Santhi

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
T-7 Avadi Tank Factory Police Station,
Tiruvallur District. (Crime No. 592/2024)

Respondent(s)

For Petitioner(s): R N Kasi Vishwanathan

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 467 and 420 of IPC in Crime No.592 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the first petitioner herein is the brother of one Vinayagam and one Dhakshanamoorthy, who is the father of the defacto complainant; that they had executed a General Power of Attorney vide Document No.265/ 1987 in favour of the first petitioner for the properties to an extent of 1.06 acres vacant land in S.No.333/1C; that the first petitioner had sold certain portion of the said properties to the third parties and settled some properties in favour of his wife, who is the second petitioner herein, by misusing the said General Power of Attorney, after demise of defacto complainant's father in 1992. 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 herein had sold only the properties belongs to him and not sold any properties on the strength of the said General Power of Attorney and even the settlement deed executed in favour of the second petitioner vide Document No.11088/2022 was cancelled vide Document No.14473 of 2024 dated 07.10.2024; that the defacto complainant had preferred civil suits, one in O.S.No.168 of 2022, which is



pending before the District Munsif Court, Ambattur and the petitioners had filed written statement in the said case; that the allegation is borne out by records, custodial interrogation of the petitioners is not required; 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 is pending between the petitioners and 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,



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considering the nature of allegation against the petitioners, the fact that there is a civil suit pending between the parties, the fact that the settlement deed executed by the first petitioner in favour of the second petitioner was cancelled, the fact that alleged offences are borne out by records and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Principal District and Sessions Court, Thiruvallur** 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



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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.

[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.

13.02.2025

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SUNDER MOHAN, J.

stn

To

1. The State Rep by, The Inspector of Police,
T-7 Avadi Tank Factory Police Station,
(Crime No. 592/2024)

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