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CRL O.P. No.3250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3250 of 2025

Irulayi

... Petitioner / Accused-2

Vs

The State Represented by,
The Sub Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
[Crime No.854 of 2024]

... Respondent

Joshphin Therasa

...Intervenor/ 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 / Accused-2 in Crime No.854 of 2024 on the file of the respondent police.

For Petitioner : Mr. N.Srinivasan

For Respondent : Mr. S.Santhosh

Government Advocate (Crl.Side)

For Intervenor : Mr.S.Ravichandran



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ORDER

The petitioner / Accused-2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420, 467, 468 and 120B of Indian Penal Code, in connection with the case in Crime No.854 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 by impersonating as defacto complainant's mother had executed the sale deed bearing document No.1228 of 2010 dated 31.03.2010, in favour of the petitioner (A2) in the year 2010, and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner is in possession of the property from 2010 and had constructed a building; that the first accused had filed a suit in the year 2022 against the petitioner stating that the petitioner had misrepresented and obtained the sale deed and sought for a declaration that the sale deed as null and void; that the said suit is pending; that the sale transaction took place



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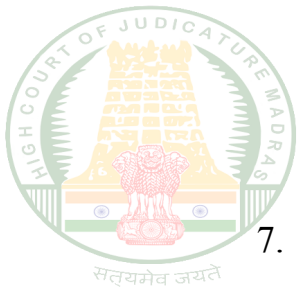
in the year 2010 and that the custodial interrogation is not required; and hence

prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor/defacto complainant submitted that the petitioner is known to the family members of the defacto complainant; that hence she was aware that A1 had earlier entered into the sale agreement with the legal heirs of the defacto complainant's mother and had knowledge of the impersonation by A1.

5. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the case is pending.

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



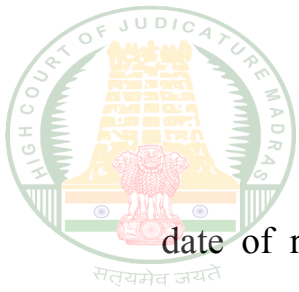
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7. At this juncture, the learned counsel for the petitioner to show his bonafide submitted that she would not create any third party interest.

8. Admittedly, the sale deed in favour of the petitioner was executed in the year 2010. The question as to whether the petitioner was aware of the alleged impersonation and got the sale deed in her favour is a matter for the trial court to decide. There is civil suit pending in O.S.No.7538 of 2022 on the file of I Assistant City Civil Court, Chennai, filed by A1 against this petitioner. Further the allegations pertains to a transaction in the year 2010 and are borne out by records.

9. Considering the above said facts, this Court is of the view that since the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions.

10. 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



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date of receipt of a copy of this order, before the learned **X Metropolitan**

Magistrate, Egmore, Chennai, 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.

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

[c] **the petitioner shall not create any third party interest, until further orders.**

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been



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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.

26.02.2025

(1/2)

drl/ars

To

1. The Sub Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

2.The X Metropolitan Magistrate, Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J.,

drl/ars

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