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Crl.O.P.No.4061 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4061 of 2025

1.R.Ashok Kumar
2.Bhuvaneshwari.A

...Petitioners/Accused

Vs.

State rep by
The Inspector of Police,
K1, Sembium Police Station,
Chennai.
(Crime No.595 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.595 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.N.Manoharan for
Mr.Kartik Soundararajan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)
Mr.M.Jaikumar,
for Intervenor.



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ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.595 of 2024 registered for the offence under Sections 305 & 351 of the BNS, 2023.

2.The case of the prosecution is that the first petitioner is the son of the defacto complainant and the second petitioner is her daughter in law; and that the petitioners had taken away the title deeds of certain properties from the possession of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations are false; that the complaint has been instituted at the instance of the defacto complainant's brother; that the petitioners have not taken away any documents; and that the petitioners have also filed an affidavit in this regard and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail.



4. The learned counsel for the defacto complainant however opposed the grant of anticipatory bail stating that the petitioners are claiming exclusive title over the property which belongs to the legal heirs of her husband and had fraudulently taken away the documents.

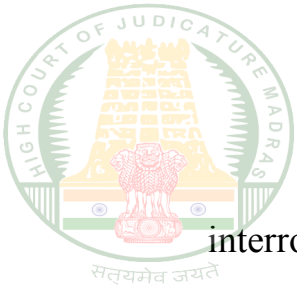
5. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case.

6. The first petitioner has filed an affidavit which reads as follows:

“3. I hereby undertake and affirm that I do not possess my house (situated at Sembium, Perambur, Chennai) property parent document in my possession, custody, or control, either directly or indirectly question with my possession and custody either directly or indirectly. Further, I have not taken any property document from the custody of my Mother/Defacto Complainant Mrs.Kanaga or possession in any manner.

4. I further undertake that I shall not create any encumbrance, lien, charge, mortgage, sale, gift or transfer of any kind whatsoever over the property that is the subject matter of the dispute.”

7. Considering the aforesaid facts and the nature of allegations against the petitioners, this Court is of the view that the custodial



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interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 **V Metropolitan Magistrate, Egmore** condition that the petitioner 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 said Magistrate, on further condition that:

[a] the affidavit filed by the petitioners dated 13.02.2025 shall be taken on file. It is needless to state that if the affidavit of the first petitioner is false, the anticipatory bail granted by this Court shall stand automatically be cancelled;

[b] 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;



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[c] the first petitioner shall report before the respondent Police, twice a week i.e., every Monday and Friday at 10.30 a.m., until further orders and the second petitioner shall report before the respondent police as and when required;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness 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 in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

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

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SUNDER MOHAN, J.

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Copy to:

- 1.The Inspector of Police,
K1, Sembium Police Station,
Chennai.
- 2.The V Metropolitan Magistrate, Egmore.
- 3.The Public Prosecutor,
High Court, Madras.

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