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CrI.O.P.No.4137 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4137 of 2025

1. Mala
2. S.Prasanth Kumar
3. Yogalakshmi
4. Mahalakshmi ... Petitioners/A2 to A5
Vs.

State, Rep. by Inspector of Police
CCB-I, Chennai
(Crime No.1 of 2025) ... Respondent/complainant

Mohanasundaram Jayaraman ... Intervenor / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.1 of 2025, on the file of the respondent Police.

For Petitioners : Mr.A.Kripakaran
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)
For Intervenor : Mr.M.Govindaraju

ORDER

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468, 471, 34 & 120 [B] of IPC in Crime No.1 of 2025, on the file of the



respondent police, seek anticipatory bail.

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2. It is the case of the defacto complainant that the disputed properties which are comprised in three survey numbers measuring a total extent of three grounds was originally settled in favour of the defacto complainant in the year 1970; that thereafter the said settlement deed was cancelled in the year 1988; that the defacto complainant had challenged the revocation deed and filed a civil suit in OS No.7045 of 1991 before the learned XIV Assistant Judge, City Civil Court, Chennai and O.S.No.7046 of 1991 before the learned VII Assistant Judge, City Civil Court, Chennai; that the defacto complainant did not succeed in the said suits; that he filed an appeal which was dismissed; that the second appeal filed before this Court was also dismissed; that the SLP before the Hon'ble Supreme Court was also dismissed; that thereafter in the year 2000, the petitioners had forged a document making it appear that the said Kanniyammal has settled the property in favour of the petitioners.

3. The learned counsel for the petitioners would submit that since the defacto complainant did not succeed in the civil proceedings, the instant complaint has been filed in the year 2025 questioning the settlement which was executed in the year 2000 and that in any case the custodial interrogation of the petitioners is not required for the purpose of investigation and sought for



anticipatory bail.

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4. The learned counsel for the defacto complainant however submitted that the property has been obtained by forgery and hence, custodial interrogation is required.

5. Heard the learned Government Advocate (CrI. Side) who reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioners.

6. It is seen from the FIR and from the aforesaid submissions that the challenge to the revocation of the settlement deed executed by the said Kanniyammal in favour of the defacto complainant was taken upto the Hon'ble Supreme Court and the same was dismissed. Thereafter, the defacto complainant seeks to challenge a settlement deed which is said to have been executed in favour of the petitioners in the year 2000 by way of a complaint in the year 2025. It is not known as to how the respondent has registered an FIR on such allegations. The respondent cannot be expected to decide the validity of the settlement deed which is said to have been executed in the year 2000. Even before the civil Courts, the settlement deed ought to have been challenged within three years from the date of execution. In such a view of the matter, this Court is of the view that custodial interrogation of the petitioner is not required



for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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 Magistrate for Exclusive Trial of CCB & 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) 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, 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.



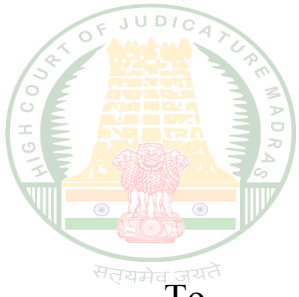
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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by 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.

07.03.2025

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SUNDER MOHAN, J.
ars

To

1.The Magistrate for Exclusive Trial of CCB & CBCID Metro Cases,
Egmore, Chennai.

2.The Inspector of Police,
CCB-1, Chennai.

3.The Public Prosecutor,
High Court of Madras.

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