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Crl OP No.4337 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4337 of 2025

1. Umamaheshwari
2. Gunasekaran

... Petitioners

Versus

State.Rep.by
Inspector of Police,
V-4, Rajamangulan Police Station,
Crime No.53 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with the complaint in Cr.No.53 of 2024 on the file of the respondent police.

For petitioners : Mr.K.Murthy

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471 and 420 of IPC in Crime No.53 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant is the sister-in-law of the first petitioner/A2; that the third petitioner is the brother-in-law of the defacto complainant; that the defacto complainant was allotted 387.5 sq.ft land in the Slum clearance Board; that the third petitioner had obtained the allotment order from the defacto complainant on the promise of obtaining water connection; that thereafter, the first petitioner impersonated as defacto complainant and managed to get the sale deed registered in 2012 by the Slum Clearance Board in favour of her mother- in-law Alamelu on 24.09.2012, thereby depriving the defacto complainant of her property.

3. Learned counsel appearing for the petitioners submits that the parties are closely related to each other; that there was an understanding between them, by which the defacto complanant had relinquished her right in the property by receiving a sum of Rs.2,50,000/- and that the allegations are false and in any case, the custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that parties are closely related to each other. However, he submits that the respondent is not aware of any alleged understanding between the defacto complainant and the petitioners.

5. Admittedly, the first petitioner is the sister-in-law and the second petitioner is the brother-in-law of the defacto complainant. In this petition, the question is not whether the defacto complainant had received a sum of Rs.2,50,000/- and relinquished her right in the property. However, since the defacto complainant has lodged this complaint 28 years after the allotment order in her favour and 13 years after the sale deed was executed on 24.09.2012 by the Tamil Nadu Slum Clearance Board in favour of her mother-in-law and the allegations are borne out by records, this Court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 is made ready, before the *XIII Metropolitan Magistrate Court, Egmore, Chennai*, on condition that the each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 petitioners shall report before the respondent police as and required for interrogations.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 are 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Vv/ars

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SUNDER MOHAN, J.

Vv/ars

To

1. The XIII Metropolitan Magistrate Court,
Egmore, Chennai
2. The Inspector of Police,
V-4, Rajamangulan Police Station,
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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