



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.4887, 4318 & 3989 of 2025

1. Namitha Jeremiah ... Petitioner in Crl.OP.No.4887 of 2025 / A3
2. Rajesh S.Bajaj ... Petitioner in Crl.OP.No.4318 of 2025 / A1
3. Anuja R.Bajaj ... Petitioner in Crl.OP.No.3989 of 2025 / A2

Vs.

State, Rep. by Inspector of Police
Team-17 (A), ALGSC-1,
Central Crime Branch,
Chennai.
(Crime No.117 of 2023) ... Respondent/complainant

C.Rammohan ... Intervenor / defacto complainant

[Defacto complainant permitted to intervene Crl.OP.Nos.4887, 4318 and 3989 of 2025, vide order of this Court [SMJ] dated 21.03.2025, made in Crl.MP.Nos.4553, 4554 and 5040 of 2025 respectively.]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.117 of 2023, on the file of the respondent Police.

For Petitioners : Mrs.Kowsalya R
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Saravanan

COMMON ORDER

The petitioners/A3, A1 & A2, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 406, 420, 447, 34 of IPC, 1860 in Crime No.117 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A1 & A2 are the land owners; that they had executed a sale deed in favour of the defacto complainant in respect of the undivided share of the land; that thereafter the defacto complainant came to know that the petitioners/A1 & A2 had illegally sold the land and apartment to the petitioner/A3; and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioners would submit that the allegations only disclose a civil dispute; that the defacto complainant had filed a civil Court and a decree was passed in favour of the defacto complainant on 08.09.2023 in respect of the undivided share in the land; that the allegations are borne out by records; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant, however



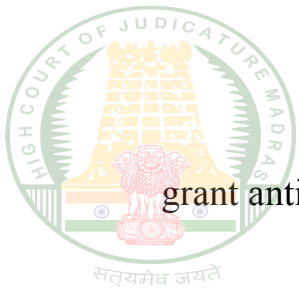
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submitted that though he had filed a civil Suit, it does not rule out the offence committed by the petitioners and hence custodial interrogation is required and opposed the grant of anticipatory bail

5. The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the investigation is pending.

6. The sale deeds said to have been executed by the petitioners were registered on 23.08.2021 as document numbers 1929 of 2021 and 1930 of 2021. Admittedly, the defacto complainant had approached the civil Court, and the Court had allowed the defacto complainant's suit for permanent injunction and rejected the petitioner's claim for declaration of the sale deeds as null and void. The judgment in the said suit was passed on 08.09.2023. It is needless to say that the remedy of the parties is to pursue further action in accordance with the said judgment or challenge the same.

7. Hence, considering the aforesaid facts and since the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to



grant anticipatory bail to the petitioners on certain conditions.

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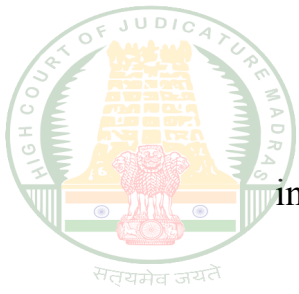
8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Chief Metropolitan Magistrate, Egmore** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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 twice a week i.e., on Monday and Thursday at 10.30 a.m., until further orders.

[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.

21.03.2025

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SUNDER MOHAN, J.

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- To
- 1.The Chief Metropolitan Magistrate,
Egmore, Chennai.
 - 2.The Inspector of Police,
CCB, Team III, Avadi,
Chennai – 54.
 - 3.The Public Prosecutor,
High Court of Madras.

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(2/2)

21.03.2025