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Crl.OP.No.5107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.5107 of 2025

R.Selvanayagam

... Petitioner(s) /Accused

Vs.

State by;

The Inspector of Police,
CCB – I, Chennai CCB
Crime No.33/2017

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail, in the event of his arrest, pending investigation in Cr.No.33 of 2017 on the file of CCB-I, Chennai.

For petitioner(s) : Mr.D.Sugumar

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 468, 471 and 420 r/w 120(b) of IPC in Crime No.33 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the disputed property originally belonged to one Krishnan; that he died, leaving behind his wife, Chellammal, as the legal heir; that after his death, the petitioner had created a fake Adoption Deed and executed a power of attorney in favour of the second accused; that he transferred the electricity connection and paid the property tax; and that the defacto complainant had entered into an sale agreement with the actual legal heirs of the said Krishnan and was aggrieved by the deeds executed by the petitioner.

3. The learned counsel for the petitioner would submit that the power of attorney has been cancelled; that the investigation has been completed; that no



loss has been caused to the defacto complainant; and that, in any case, custodial interrogation is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the investigation has been completed, the final report has also been filed, and the co-accused has also been granted bail by this court.

5. Considering the aforesaid facts and the nature of allegation; and since the allegations are borne out by records and the final report has already been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 date on which the order copy made ready, before the learned **CCB/CBCID Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 daily at 10:30 a.m.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid



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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 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”*** reported in (2005) **AIR SCW 5560.**

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

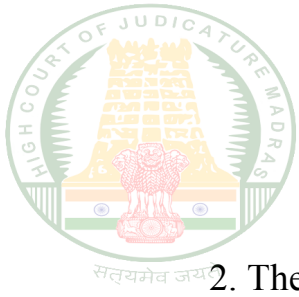
20.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police, CCB – I, Chennai CCB.

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2. The Public Prosecutor, Madras High Court, Chennai.

3. CCB/CBCID Metropolitan Magistrate, Egmore, Chennai.

SUNDER MOHAN, J.

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