



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27-02-2025
CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN



CRL OP NO. 5351 of 2025

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1. Malliga @ Malleshwari
2. S. Mahesh
3. R. Murali

Petitioner(s)

Vs

State By, The Inspector Of Police,
CCB Avadi City Police Station, Chennai.
Crime No.26 of 2025.

Respondent(s)

For Petitioner(s):

B.Kumarasamy
S. Anburaja
K. Mohan Raj

For Respondent(s):

Mr.S.Santhosh, Government Advocate (Criminal Side)

PRAYER

To enlarge the Petitioners on bail in the event of their arrest in respect of Crime No.26 of 2025 on the file of the Inspector of Police, CCB Avadi City Police Station, Chennai, pending investigation

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 472, 420 and 120B of IPC in Crime No.26 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the first petitioner/A1 herein, who is the sister of the de facto complainant, had purchased the property in the year 1994 by virtue of Doc. No.4500 of 1994 on the file of the SRO, Thiruvallur and that on 09.09.2016, she



had executed a gift deed in favour of the second petitioner herein, who in turn executed a sale deed on 29.10.2021 in favour of the third petitioner; that the first petitioner had entered into an unregistered sale agreement with the de facto complainant on 03.03.2024 and received an advance of Rs.30,000/- and subsequently, after receiving the entire sale consideration, refused to execute the sale deed in favour of the de facto complainant and thus, committed aforesaid offence.

3. Learned counsel appearing for the petitioners submitted that the allegation are false; that the de facto complainant, who is the brother of the petitioner has not filed any suit for specific performance; that instead, he had filed a suit in O.S.No.80 of 2022 before the District Munsif Court, Thiruvallur, for a declaration that the settlement deed executed by the first petitioner in favour of the second petitioner and the sale deed executed by the second petitioner in favour of the third petitioner are null and void and for permanent injunction; that while the suit is pending, the de facto complainant has lodged a false complaint and that in any case, it is the civil dispute between the siblings and therefore, the custodial interrogation of the petitioners is not required. Hence, he prayed for anticipatory bail to the petitioners.

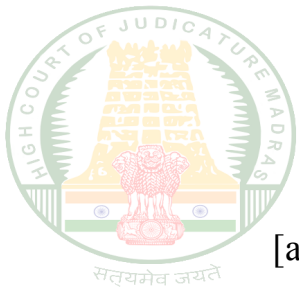
4. Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the de facto complainant is aggrieved by the fact that though the original parent documents were handed over to him, the first petitioner had executed the settlement deed in favour of the second petitioner and cheated him. He further submitted that the first petitioner and the de facto complainant are siblings and the investigation in this case is pending. Hence, he opposed for the grant of anticipatory bail to the petitioners.



5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. From the aforesaid facts, it is seen that first petitioner and the de facto complainant are siblings and the agreement entered into between the first petitioner and the de facto complainant is not a registered document. Further, the de facto complainant has not referred to the suit filed by him in O.S.No.80 of 2022 to declare the settlement deed and sale deed as null void, on the file of the District Munsif Court, Thiruvallur, in his complaint. In any case, considering the nature of allegation against the petitioners and the nature of dispute, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of investigation. Thereby, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 **Judicial Magistrate No.II, Thiruvallur**, on condition that the petitioners shall execute separate bond each 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:



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[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 first petitioner shall report before the respondent police as and when required for interrogation. The second and third petitioners shall report before the respondent police on every Monday and Thursday at 10.30a.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;

[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.

27-02-2025

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To

1. The Inspector Of Police,
CCB Avadi City Police Station,
Chennai. Crime No.26 of 2025.

2. The Judicial Magistrate No.II, Thiruvallur.

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