



Crl.OP.No.6457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.06.2025

CORAM
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR
CRL OP NO.6457 of 2025

1.M.Ramachandran

2.R.Parthasarathy

Petitioner(s)

Vs

State Rep By,

The Inspector Of Police,
J-13, Taramani Police Station,

Chennai-600113.

Respondent(s)

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on anticipatory
bail in the event of arrest in Crime No.141 of 2024 pending on the file of the
respondent police.

For Petitioner(s): Mr.S Prabudoss

For Respondent(s): Mr.R.Vinotharaj

Government Advocate (Criminal Side)

Mr.C.V.Sridharan For Intervenor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 406, 442 and 506 (1) I.P.C.
/ 316 (2), 392 and 351 (2) BNS, in Crime No.141 of 2024, on the file of the



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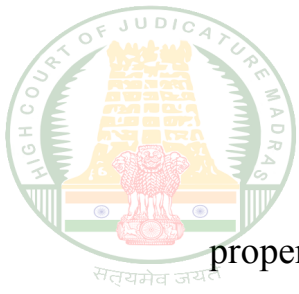
respondent police, seek anticipatory bail.

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2.The case of the prosecution is that, the defacto-complainant got allotment of a plot in Tamil Nadu Housing Board on 22.09.2000 in which she constructed a house and resided there along with her family members. In the year 2017, her husband became sick, so she went to his son's home and handed over the allotment documents to her brother-in-law, the second petitioner herein. Thereafter, the second petitioner along with the first petitioner created a forged documents and constructed a small hut in the subject property. Hence the case.

3.The contention of the learned counsel for the petitioners is that the petitioners are innocent persons and they had been falsely implicated in this case. He also submitted that the custodial interrogation of the petitioners is not required. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the



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property belongs to Tamil Nadu Housing Board which was allotted to the defacto-complainant in the year 2000 and she gave the allotment document to her husband. Her husband gave the allotment document to the second petitioner who is none other than defacto-complainant's brother-in-law in the year 2011 for sale purpose due to acquisition problems. The complainant's husband died in 2019 and she asked the second petitioner to return the allotment order but he refused to return it. In the meantime, the first petitioner occupied the said property and build a foundation and tried to change the EB and Water bills. He further submitted that when the defacto-complainant approached the first petitioner, he showed some documents namely i)Munirathinam sold the property to the accused A1/Ramachandiran, ii) Karpagam sold the land to Munirathinam in 2012 and iii)Munirathinam settled the amount to Mural. All the documents are unregistered documents. He further submits that said Munirathinam was died and the first petitioner is having the possession of the land. Civil Suit in O.S.No.4184 of 2023 is also pending.

5.The learned counsel for the defacto-complainant submitted that



the property was allotted to the defacto-complainant in the year 2000 and she had been residing there with her family. Taking advantage of her uneducated status the second petitioner stealthily taken the allotment order and created forged documents and sold the subject property to one Munirathinam. Hence, he strongly opposed to grant of bail to the petitioners.

6.Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and the learned counsel for defacto-complainant and perused the materials available on record.

7.Considering the nature of the allegations, the fact that civil suit is pending and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 XVIII Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioners shall execute a 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 proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] **the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of three weeks; thereafter as and when required for interrogation;**

[d] the petitioners shall not directly or indirectly cause



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any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

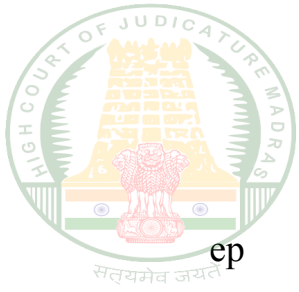
[g] the petitioners shall not abscond either during investigation or trial;

[h] 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 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 [(2005)AIR SCW 5560];

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

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M.NIRMAL KUMAR, J.

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To:

- 1.The Inspector Of Police,
J-13, Taramani Police Station,
Chennai-600113.
- 2.XVIII Metropolitan Magistrate, Saidapet,
Chennai.
- 3.The Public Prosecutor,
High Court Madras.

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