



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8517 of 2025

1.Mrs.Neelavathi
2.Mr.P.Vigneswaran
3.Mr.Srinivasan

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Pallikaranai Police Station,
Chennai – 600 100.
(Crime No.171 of 2025)

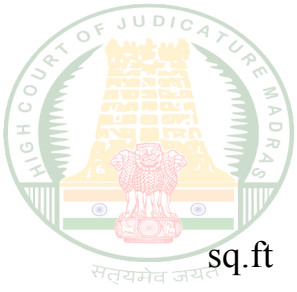
.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.171 of 2025 in C.S.R.No.796 of 2023 dated
13.03.2023 on the file of the respondent police.

For Petitioners : Mr.Yuvaamannar.A
For Intervenor : Mr.Senthilnathan
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 406, 420, 464 & 465 of
IPC in Crime No.171 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the property measuring 1200 sq.ft originally belonged to the defacto complainant's father; that the petitioners are falsely claiming title over the said property; that the 1st petitioner's mother executed a settlement deed in favour of the 1st petitioner on 29.03.2007; that thereafter, the 1st petitioner executed a settlement deed in favour of the 3rd petitioner on 16.11.2022. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are in possession of the disputed property more than 22 years; that the allegations are borne out by records and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that patta would reveal that the property stands in the name of the defacto complainant; and that the petitioners have played fraud by falsely claiming title.



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5. Admittedly, there is a settlement deed executed in favour of the first petitioner in the year 2007. Thereafter, the first petitioner executed the same in favour of the third petitioner in the year 2002. According to the petitioners, they are in possession of the property. In any case, 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. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on thier appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate No.II, Alandur** on condition that the petitioners shall execute a separate bond 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 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 petitioners shall report before the respondent police once in a week i.e., on every Monday 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.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

23.04.2025

Index : Yes / No
Internet : Yes / No
rkp



To

- 1.The Inspector of Police,
Pallikaranai Police Station,
Chennai – 600 100.
- 2.The Judicial Magistrate No.II,
Alandur.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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