



Crl.OP.No.8922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8922 of 2025

1.T.K.S.Pugazhendhi
2.P.Saravanan
3.P.Lokesh

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch,
Avadi Commissionerate,
Chennai District – 600 054.
(Crime No.38 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in the
event of his arrest in relation to Crime No.38 of 2025 on the file of the
respondent police.

For Petitioner : Mr.R.Raji for P1 & 3
Mr.N.Ramakrishnan,
M/s.ARK Law Associates for P2
For Intervenor : Mr.P.Krishnan
For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER



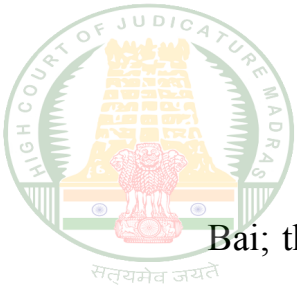
Crl.OP.No.8922 of 2025

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409 & 420 of IPC in Crime No.38 of 2025 seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant is one of the owners of the land measuring 80 cents; that a power of attorney was executed in favour of the second petitioner herein; that based on the power of attorney executed by the defacto complainant, the second petitioner had sold the property to third parties; and that no consideration was paid to the defacto complainant and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners had negotiated with one P.T.Thirunavukarasu whose family owned 1.09 acres and with the family of Mrs.Kasthuri Bai, who owned 80 cents; that the said Mrs.Kasthuri Bai died leaving behind her legal heirs and the defacto complainant is one of the legal heir of the said Mrs.Kasthuri



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Bai; that one Mr.P.T.Thirunavukarasu along with Mr.T.Saravanakumar and Mrs.P.T.Uma Maheswari, received a sale consideration of Rs.99,10,000/- in the year 2014; that since a partition was required to be done, no documents were executed at that time; that in the year 2019, after completing other legal formalities, a power of attorney was executed by the land owners and the petitioners paid the remaining sale consideration; that none of the other persons who had executed the power of attorney including the said Mr.P.T.Thirunavaukarasu and the other legal heirs of Mrs.Kasthuribai have challenged the power of attorney; that in any case, it is for the defacto complainant to pursue a civil remedy if any money is due to her; and that the allegations do not warrant custodial interrogation and sought for anticipatory bail.

4. The learned counsel for the defacto complainant however submit that no money was paid to the defacto complainant; that the power of attorney was executed in the year 2019 and there is nothing on record to show that sale consideration was shared with the owners of the property and



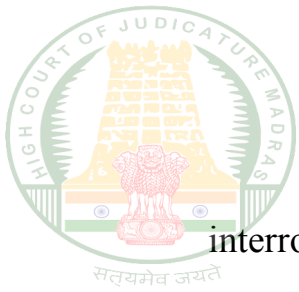
hence sought for dismissal of the anticipatory bail application.

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5. The learned Government Advocate reiterated the prosecution case and confirmed the fact that this is the case of a dispute between the land owners and agent in whose favour power of attorney was executed.

6. Though there are three petitioners, when the matter came up earlier for hearing, the respondent submitted that only the second petitioner is an accused in this case. Hence, this Court on 26.03.2025 closed the petition filed for the first and third petitioner on 26.03.2025.

7. Admittedly, the power of attorney was executed by the defacto complainant and the others in the year 2019. According to the second petitioner, the entire sale consideration was paid in the year of 2019. It is also seen that none of the other executants of the Power of Attorney have challenged the power of attorney. In any case, considering the facts and the nature of the allegations, this Court is of the view that custodial



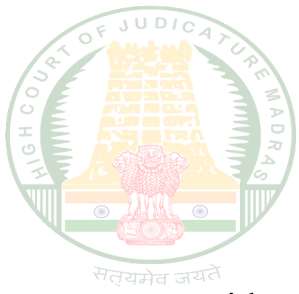
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interrogation of the second petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Poonamallee** on condition that the second petitioner shall execute a 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:

[a] the second 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 second petitioner shall report before the respondent police as and when required.



Crl.OP.No.8922 of 2025

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

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**;

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

22.04.2025

Index : Yes / No

Internet : Yes / No

rkp

To

- 1.The Inspector of Police,
Central Crime Branch,
Avadi Commissionerate,
Chennai District – 600 054.
- 2.The learned Judicial Magistrate II,
Poonamallee.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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Crl.OP.No.8922 of 2025

SUNDER MOHAN , J.

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Crl.O.P.No.8922 of 2025

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22.04.2025