



Crl.OP.No.9170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9170 of 2025

Somineni Bapaiah Srinivasa Rao

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Nesapakkam
Chennai – 600 078.
(Crime No.59 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 arrest in Crime No.59 of 2025 on the file of the respondent Police.

For Petitioner : M/s.G.Vivekanandan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 406, 420, 465 and 471 of
IPC in Crime No.59 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that defacto complainant is the wife of the petitioner's brother; that the petitioner's father owned a flat; that after the demise of the petitioner's father, the petitioner forged the Will dated 09.12.2012 of his father and filed a suit against the defacto complainant's husband for permanent injunction in O.S.No.797 of 2021, restraining him from interfering in his peaceful possession of the property; that the defacto complainant's husband died on 02.01.2024 and thereafter, the defacto complainant lodged a complaint stating that the suit was filed based on the forged Will.

3. The learned counsel for the petitioner would submit that the suit has been pending since 2021; that the defacto complainant, who is the wife of the petitioner's brother; that though the defacto complainant's brother had taken a stand that the Will is forged he had not lodged any complaint and that only after the demise of her husband, the defacto complainant has lodged a complaint; and that in any case custodial interrogation of the petitioner is not required and prayed for anticipatory bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that a civil suit in O.S.No.797 of 2021 is pending on the file of the XIV Assistant City Civil Court, Chennai; that the defacto complainant is the wife of the petitioner's brother.

5. Considering the aforesaid facts, there is a civil suit pending in O.S.No.787 of 2021 and the complaint was lodged only after the demise of the petitioner's brother and since custodial interrogation of the petitioner is not required for the purpose of investigation, 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai** on condition that the 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



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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, once in a week i.e., on every Monday at 10.30 a.m., until further orders.

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

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

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Index : Yes / No
Internet : Yes / No
dpa



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- To
- 1.The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Nesapakkam
Chennai – 600 078.
 - 2.The learned XXIII Metropolitan Magistrate,
Saidapet, Chennai.
 - 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.
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