



WEB COPY

Crl.OP.Nos.12619, 11648 and 11892
of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.Nos.12619, 11648 and 11892 of 2025

Crl.OP.No.12619 of 2025

1. Bhuvaneshwari
2. Vatchala
3. Gopalakannan
4. A.Palani

... Petitioners

Vs.

The State rep by
Inspector of Police,
CCB-I, EDF-III, Beta-VI, Vepery,
Chennai-600 007
(Crime No.63 of 2025)

... Respondent

Crl.OP.No.11648 of 2025

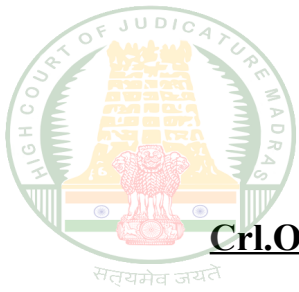
V.Pachaiyappan

... Petitioner

Vs.

The State rep by
Inspector of Police,
CCB-I, EDF-III, Beta-VI, Vepery,
Chennai-600 007
(Crime No.63 of 2025)

... Respondent



Crl.OP.No.11892 of 2025

WEB COPY

1. S.Balasundaram
2. Malathi

... Petitioners

Vs.

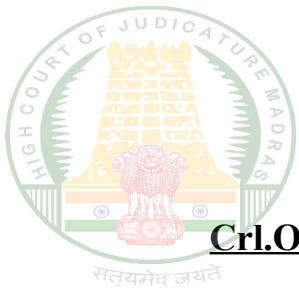
The State rep by
Assistant Commissioner of Police,
CCB-1, Chennai.
(Crime No.63 of 2025)

... Respondent

PRAYER IN Crl.OP.No.12619 of 2025 : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.63 of 2025 pending investigation on the file of the Central Crime Branch-I, Vepery, Chennai.

PRAYER IN Crl.OP.No.11648 of 2025 : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in Cr.No.63 of 2025 on the file of the CCB-I, Police Station, Chennai in the event of arrest or on appearing before the learned Assistant Chief Metropolitan Magistrate Court for CCB and CBCID Special Court, Egmore, Chennai pending investigation.

PRAYER IN Crl.OP.No.11892 of 2025 : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No.63 of 2025 under Sections 409, 420, 465, 468, 471, 34 and 120 of IPC on the file of the respondent police, Central Crime Branch-I, pending investigation.



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Crl.OP.No.12619 of 2025

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For Petitioners : Mr.P.Palaninathan
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

Crl.OP.No.11648 of 2025

For Petitioner : Mr.A.Vijayakumar
For Intervenor : Mr.M.Mohammed Riyaz
for Mr.S.Vijay
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

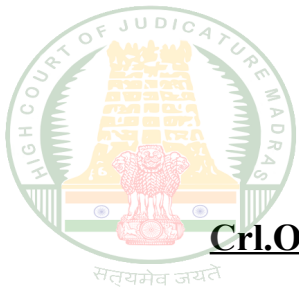
Crl.OP.No.11892 of 2025

For Petitioners : Mr.M.Himavanth
For Intervenor : Mr.M.Mohammed Riyaz
for Mr.S.Vijay
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

COMMON ORDER

Crl.OP.No.12619 of 2025

The petitioners, who apprehend arrest for the alleged offence under Sections 409, 420, 465, 468, 471 of IPC r/w 34 and 120B of IPC, 1860 in Crime No.63 of 2025, on the file of the respondent police seek anticipatory bail.



Crl.OP.No.11648 of 2025

WEB COPY The petitioner who apprehends arrest for the alleged offence under Sections 409, 420, 465, 468, 471 of IPC r/w 34 and 120B of IPC, 1860 in Crime No.63 of 2025, on the file of the respondent police seeks anticipatory bail.

Crl.OP.No.11892 of 2025

The petitioners, who apprehend arrest for the alleged offence under Sections 409, 420, 465, 468, 471 of IPC r/w 34 and 120B of IPC, 1860 in Crime No.63 of 2025, on the file of the CCB-1, pending investigation on the file of the respondent police seek anticipatory bail.

2. One G.Shankar is arrayed as A1, the petitioners in Crl.OP.No.12619 of 2025 namely Bhuvaneshwari, Vatchala, Gopalakrishnan and A.Palani are arrayed as A2, A6, A7 and A9 respectively, the petitioner in Crl.OP.No.11648 of 2025 namely V.Pachaiyappan is arrayed as A8 and the petitioners in Crl.OP.No.11892 of 2025 namely S.Balasundaram and Malathi are arrayed as A4 and A5 respectively.



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3. The defacto complainant lodged a complaint before the respondent stating that she was approached by A1, who offered to assist her in constructing a hospital on her land measuring 9,227 sq. ft. She had paid a sum of Rs.2,27,57,512/- to A1 for carrying out the construction and other preliminary works. In this regard, a Power of Attorney was also executed in favour of A1 with specific instructions that it should be used only for developing the land into a hospital.

4. However, taking advantage of the Power of Attorney executed in his favour, A1 sold the property to A2 , who is his wife, by executing three sale deeds. Prior to executing the said sale deeds, A1 had also entered into certain agreements, and while preparing these agreements as well as the sale deeds, the accused forged the life certificate of the defacto complainant and used the same for registration purposes. In the said sale deeds, A6, A7, A8, and A9 have attested the documents as witnesses.

5. In the year 2021, A4 approached A2 for purchasing one of the plots and for developing the same. Accordingly, A4 obtained a Power of Attorney from A2 for the purpose of developing the land and entered into a sale



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of 2025

agreement with one of the prospective purchasers of the plots to be developed by him. Thereafter, upon coming to know of the various transactions and malpractices committed by A1 in collusion with his family members, the defacto complainant lodged the present complaint on 08.04.2025.

6. The learned counsel appearing for the petitioners in Crl.O.P. No.12619 of 2025 submitted that the first petitioner/A2, is the wife of A1 and that she purchased the property for valid sale consideration after executing proper agreements of sale. It was further submitted that the other petitioners are only attesting witnesses and, since the property was purchased by A2 for valuable consideration, she could not be treated as an accused. Hence, it was submitted that custodial interrogation of the petitioners is not necessary and prayed that anticipatory bail may be granted to the petitioners.

7. Similarly, the learned counsel appearing for the petitioner in Crl.O.P. No.11648 of 2025 submitted that the petitioner herein is only an attesting witness and that custodial interrogation is not required and prayed that anticipatory bail may be granted to the petitioner.



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8. The learned counsel appearing for the petitioners/A4 and A5 in

Crl.O.P.No.11892 of 2025 submitted that A4 had entered into a Power of Attorney agreement with A2, who was the then owner of the property and had valid title. He further submitted that A4 undertook to develop the land, for which purpose ,the Power of Attorney was executed in his favour in the year 2021, and prayed that anticipatory bail may be granted to the petitioners.

9. The learned counsel appearing for the intervenor/defacto complainant submitted that A1 had approached the defacto complainant with a promise to assist her in developing the land for construction of a hospital, since she was a single woman and a practicing doctor. However, by breaching the trust of the defacto complainant, A1 sold the property with the help of A2 and misappropriated a sum of Rs.2,27,57,512/-. It was further submitted that the life certificate of the defacto complainant was fabricated and used for registering the sale deeds in favour of A2. Hence, he opposed the grant of anticipatory bail to the petitioners.



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10. I have considered the submissions made on either side and perused the records. In this case, A1, the Power of Attorney holder, has already been arrested and detained in custody for a period of 90 days. A2, who is the wife of A1, is said to have purchased the property from A1 through three registered sale deeds. Though it is reported that she purchased the property for valuable consideration, the investigation reveals that no sale consideration actually passed between A1 and A2 and that the transaction was a sham sale.

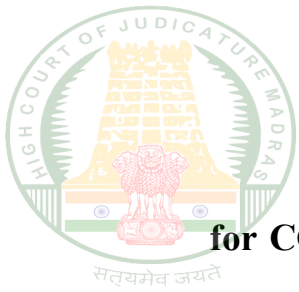
11. Considering the materials on record, it appears that there was clear connivance between A1 and A2 in depriving the defacto complainant of her property. Hence, I am of the view that A2 is not entitled to the grant of anticipatory bail. However, with regard to the petitioners/A6, A7, A8, and A9, who are only attesting witnesses to the documents, custodial interrogation is not necessary since their role was limited to attestation and they were not involved in fabrication of the documents. Accordingly, I am inclined to grant anticipatory bail to the said petitioners/attestors, subject to certain conditions.



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12. As far as A4 (Balachandran) is concerned, it is his case that he entered into a Power of Attorney agreement with A2, based on the title deed which stood in A2's name at the relevant time. He has also stated that he paid a sum of Rs17,00,000/- for obtaining the Power of Attorney and subsequently entered into a sale agreement for a portion of the land to be developed. Considering his contention that he had entered into a valid Power of Attorney arrangement with A2, who had a registered title at that time, I am of the view that custodial interrogation of A4 is not necessary. Accordingly, I am inclined to grant anticipatory bail to A4 subject to certain conditions. With regard to A5, who is the wife of A4, custodial interrogation is not necessary since her role was limited to help her husband/A4 and she was not involved in fabrication of the documents. Accordingly, I am inclined to grant anticipatory bail to A5, subject to certain conditions.

13. Accordingly, the petitioners/A6, A7, A9, A8, A4 and A5 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Assistant Chief Metropolitan Magistrate**



for CCB and CBCID Special Court, Chennai, Egmore on condition that

the each of the petitioners//A6, A7, A9, A8, A4 and A5 shall execute separate bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition:

(a) If the petitioners//A6, A7, A9, A8, A4 and A5 failed to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (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/A6, A7, A9, A8, A4 and A5 shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;



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(d) **The petitioners/A6, A7, A9, A8, A4 and A5 shall submit their sample signatures before the respondent police.**

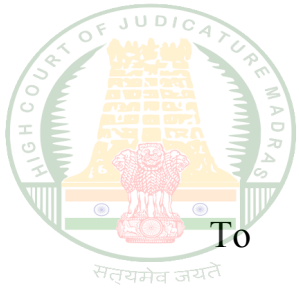
(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners/A6, A7, A9, A8, A4 and A5 in accordance with law as if the conditions have been imposed and the petitioners/A6, A7, A9, A8, A4 and A5 released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(f) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

8. The Criminal Original Petition against A2/the first petitioner in Crl.OP.12619 of 2025 stands dismissed.

23.09.2025

Vv



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To

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1. The Assistant Chief Metropolitan Magistrate
for CCB and CBCID Special Court,
Chennai, Egmore
2. The Inspector of Police,
CCB-I, EDF-III, Beta-VI, Vepery,
Chennai-600 007
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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of 2025

K.RAJASEKAR, J.

Vv

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11892 of 2025**

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