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CrI.O.P.No.20418 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.20418 of 2025

1.K.Babu
2.Usha Babu

... Petitioners

Vs.

The State Rep. By,
The Inspector of Police,
CCB, LD-II,
Avadi Police Station,
Avadi – 600 054.
Crime No.Not Known of 2025

... Respondent

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 their arrest in Crime No.Not Known of 2025 on the file of
the respondent police.

For petitioners	:	Mr.M.Soundar Vijay Arulram
For Intervener	:	Mr.B.Thirumalai for Mr.S.Karl Marx
For Respondent	:	Mr.S.Udayakumar Government Advocate (Criminal Side)

ORDER



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The petitioners herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 318(4) of BNS, 2023, in Crime No.Not Known of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had created forged documents such as settlement deeds, General Power of Attorney, and lease deeds to unlawfully grab his ancestral property situated at Korattur Village in Survey Nos.791/8 and 791/8A, originally belonging to late Mariyappan Nayakkar. It is alleged that several documents bearing Nos.416/2022, 3965/2023, 1142/2021, 2406/2022, 1141/2021, 2407/2022, 4348/2020, 2184/2023, and 4712/2023 were fraudulently executed and registered at the Villivakkam Sub-Registrar Office to create false title and possession. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have already cancelled the settlement deed as per Doc.No.1812 of 2024, prior to registration of FIR. Hence, he prays that anticipatory bail be granted to the petitioners.

4. The learned counsel for the intervener opposed the grant of



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anticipatory bail to the petitioners submitting that the petitioners had created forged documents to unlawfully claim title over the property.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that there are a totally 14 accused in this case. Though the petitioners claim that they had cancelled the settlement deed, they continue to remain in possession of the property. Hence, he opposed the grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the submissions made on both sides, it is placed on record that the petitioners have also filed an affidavit stating that they had already cancelled the settlement deed even prior to the registration of the FIR, and the same has been duly recorded. It is further stated that although the settlement deed had been executed earlier, it was subsequently cancelled, and the petitioners are neither in possession nor enjoyment of the property and will not claim any right over it in future, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Ambattur**, on condition that the petitioners shall execute a bond 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 that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten 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 the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week, and thereafter, as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to



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pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.10.2025

cda

To

1.The Judicial Magistrate, Ambattur.

2.The Inspector of Police,
CCB, LD-II,
Avadi Police Station,
Avadi – 600 054.

3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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