



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.28397 of 2025

1. V.Somasundaram
2. Nedunchezlian

... Petitioner

Vs.

State, Rep. by
The Sub Inspector of Police,
CCB – Avadi City Police Station,
Avadi City CCB District.
(Crime No.92 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita of BNS, to enlarge the petitioner on bail in Crime
No.92 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Tamilselvan

For Intervenor : Mr.K.Chithiraiselvan

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

ORDER

The petitioners, who were apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 465, 468, 420,
120B of IPC in Crime No.92 of 2025, seek anticipatory bail.



2. The allegation against the petitioners is that they had obtained a bogus patta for the land belongs to the defacto complainant and executed a sale deed in their own favour. It is further alleged that the property originally belonged to the family of the defacto complainant, and that the petitioners, by suppressing the real ownership and in collusion with one Sangari, fabricated a bogus patta and executed a sale deed. Hence the case.

3. The learned counsel for the petitioners submitted that the property, though allotted to the defacto complainant under the partition deed, was later settled in favour of one Kannan in the year 2009, who thereafter gifted it to the first petitioner. The first petitioner is in possession of property from the year 2021. He states that he has obtained patta and has not alienated the property. He further submitted that the petitioners are ready to abide by any condition and to co-operate with the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor submitted that the petitioners are habitual offenders in occupying the properties that they have colluded with revenue officials, obtained patta on bogus documents, and thereafter encroached upon the property. Hence, he oppose to grant bail to



the petitioners.

WEB COPY

5. The learned Government Advocate (Crl.side) submitted that the defacto complainant is the original owner of the property and that the petitioners, using a bogus patta, attempted to execute a sale deed. He further submitted that the RDO conducted an enquiry and cancelled the patta granted in favour of one Somasundaram. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsels on either side and perused the materials available on record.

7. I have considered the submissions and perused the records. Admittedly, a family partition had taken place between the defacto complainant, her family members, and one Kannan, who is the husband of Sankari. The vendor under the sale deed dated 12.10.2020, namely Somasundaram is also a family member. In the complaint, the settlement deed executed in favour of Sankari was not disclosed. However, as the dispute is essentially civil in nature and no allegation of creation of any third party intent has been made, custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant bail to the petitioners



with certain conditions.

WEB COPY

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Poonamallee**, on condition that **the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)**, with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen 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 three weeks and thereafter as and when required for



WEB COPY



interrogation;

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

14.11.2025

kmm

To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Sub Inspector of Police,
CCB – Avadi City Police Station,
Avadi City CCB District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



K.RAJASEKAR, J.

kmm

Crl.O.P.No.28397 of 2025

14.11.2025