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CRL OP NO. 29769 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO. 29769 of 2025

Mohammed Salim

...Petitioner/A4

Versus

State rep. by, The Sub Inspector of Police,
T-14, Mangadu Police Station,
Kancheepuram District.
(Crime No. 693 of 2025)

Respondent(s)

Criminal Original Petition filed under Section 482 of BNSS, Act, 2023 praying to enlarge the petitioner in the event of his arrest by the respondent police in pursuant to the FIR in Crime No. 693 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr.M.Velmurugan
For Respondent(s) : Mr.S.Udayakumar
Government Advocate [Criminal Side]

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 & 465 in Crime No. 693 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner is that on 09.11.2020, the de-



facto complainant had purchased a property measuring to an extent of 1800 sqft., at Kozhumanivakkam Village, Kundrathur, registered by way of Document No. 13925 of 2020 on 09.11.2020. On 20.01.2021, the de-facto complainant had borrowed loan amount from A2 by executing a General Power of Attorney. After repayment of the loan amount, A2 refused to hand over the title documents of the property of the de-facto complainant and he has not come forward to cancel the mortgage deed. It is further alleged that A2 joining hands with other accused sold the property in favour of A1 suppressing the ownership, mortgage deed and repayment of the loan amount. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is an attester of the sale deed executed in favour of A1. He further submits that the petitioner arrayed as A4. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for her release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the



respondent police, reiterated the prosecution case and submits that there are five accused involved in this case and the petitioner is arrayed as A4. He further submits that investigation has been completed. He further submits that no one was arrested in this case. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. On perusal of records, it reveals that the petitioner is arrayed as A4 and since he had attested in the sale deed executed in favour of A1. A2 who is the Power Agent of the de-facto complainant. It is also seen that the de-facto complainant repaid the loan amount had already borrowed from A1. It is also stated that the Power of Attorney has not been cancelled till the registration of the sale deed.

7. Considering the facts and circumstances of the case, submissions made by learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 made ready, before the learned **Judicial Magistrate, Sriperumbudur**, on condition that the 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 condition that:

(a) If the petitioner fails 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 Suretyship [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 petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;



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[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.

03.11.2025

MSM

To

1.The Judicial Magistrate, Sriperumbudur.

2. The Sub Inspector of Police,

T-14, Mangadu Police Station,

Kancheepuram District.

(Crime No. 693 of 2025)

3.The Public Prosecutor,

High Court of Madras.

K.RAJASEKAR, J.



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