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CRL OP No. 29623 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29623 of 2025

1. R Kavitha

W/o.U. Ravichandran, Door No. 44/1,
T.H Road, Govindarajan Street,
Newwashermanpet, Chennai-600081.

Petitioner(s)

Vs

1. The Inspector of Police

H5, New Washermenpet police station,
Chennai. Crime No. 1104/2025.Door
No. 44/1, T.H Road, Govindarajan
Street, Newwashermanpet, Chennai.

Respondent(s)

PRAYER

To grant Anticipatory bail to the petitioner in the event of her arrest in crime No 1104/2025 on the file of the Respondent herein and pass such further or other orders as this Honorable court.

For Petitioner(s): Uma P

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

**ORDER**

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 406 of IPC in Crime No. 1104 of 2025, seeks anticipatory bail.

2. The allegation against the petitioner is that she joined hands with other accused to sell a house property measuring 492 square feet and collected Rs.24.06 lakhs. However, it was later revealed that the petitioner had title deed to only 287 square feet. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is in possession of 492 square feet of the house, for which she has obtained a patta from the revenue authorities. Therefore, she has not committed any cheating, and as she is enjoying the property, she is entitled to sell it to the extent of 492 square feet. The complaint was lodged due to a misunderstanding regarding the parent document, which showed that the petitioner had title to only 287 square feet. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submitted that the de facto complainant paid the money at the time of registration, but upon verification, it



was revealed that the petitioner had title to only 287 square feet and not 492 square feet. Although they have a patta for 492 square feet, they cannot sell the land for which they do not have title. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that while 492 square feet of land is available, the petitioners do not have title to it in their favour. However, they do have revenue records showing that they are in possession of 492 square feet of land. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the fact that in the mortgage deed itself it is mentioned 492 square feet is in possession of petitioner and the Bank has come forward to lend a loan for 492 square feet, it appears that the petitioners are in possession of 492 square feet. Therefore, I am of the view that custodial interrogation in this case is not necessary. The petitioners can appear before the concerned police officer and explain the facts. Accordingly, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event



of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Metropolitan Magistrate Court XI, GT, Chennai**, on condition that **the petitioner 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:

(a) If the petitioner fails 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 petitioner 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;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the



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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 v. State of Kerala [(2005) AIR SCW 5560]***;

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

04-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Metropolitan Magistrate Court XI, GT, Chennai.

2. The Inspector of Police

H5, New Washermenpet police station,

Chennai. Crime No. 1104/2025. Door

No. 44/1, T.H Road, Govindarajan

Street, Newwashermanpet, Chennai.

3. The Public Prosecutor,

High Court of Madras.



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K.RAJASEKAR J.

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