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Crl.O.P.No.3384



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.33841 of 2025

1.P.Nandakumar
2.P.Santhakumar
3.P.Jayakumar

... Petitioners

-VS-

State Rep by,
The Inspector of Police
Central Crime Branch, Team-9,
Tambaram City Police,
Shollinganalur, Chennai.
(Crime No.31 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, pleaded to enlarge the petitioner on bail in the event of their arrest in Crime No.31 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.V.Arun

For Intervener : Mr.R.Shivakumar for
Mr.S.Sarathchandran

For Respondent : M/s.J.R.Archana
Government Advocate (Crl.Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 120(B) of IPC r/w. 34 of IPC in Crime No. 31 of 2025, seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners are also family members of the defacto complainant. Originally the lands belong to one Angu gramani. It was partitioned among his legal heirs and the defacto complainant. For one branch of the legal heirs of Angu, for their possession 20 cents land was allotted. Similarly, on the side of the family members of petitioners' side, 20 cents was allotted. Subsequently by creating bogus patta in the year 2010 and by way of by executing a partition deed dated 05.09.2013, the petitioners have included 6 more cents of the land without having any title and also by including 4 ½ of cents of the land belongs to the defacto complainant. Based on the partition deed, the petitioners herein have attempted to take possession of the shares of the defacto complainant. It is further alleged that the patta which was relied on for registering the partition deed in the year 2013 is also fabricated and hence the case of forgery and fabrication of records is also registered. Hence, the case.

3. The learned counsel for the petitioners submitted that originally in the year 1981 itself, there was a partition taken place between two branches and 20



cents each were allotted. However, only 17 cents and 16 cents respectively alone were in physical possession of the parties and there was no remaining lands available. Since the petitioners and family members were allotted separate portion of property, they obtained separate patta including some lands which were not a subject property of the 1981 partition deed. However, taking advantage of some error found in the patta issued in the year 2010, it is alleged that it is a fabricated document. However, in fact, it is not a fabricated document as alleged by the defacto complainant and so far the petitioners have not encroached any property or in possession of the property of the defacto complainant. Hence, he prays for grant bail to the petitioners.

4. The learned counsel for the intervener submitted that the alleged patta issued in the year 2010 is a fabricated patta and that the defacto complainant demonstrated that seals and other numbers in the patta are not in consonance with the original seals used by the concerned department. Further, signatures of the officers were also forged. Based on that fabricated patta, the partition deed was also executed as if they are in possession of 31 cents of land. Hence, opposed for grant of bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the FIR registered only recently and the investigation in this case is pending. Hence, opposed for grant of bail to the petitioners.



6. I have gone through the FIR and other connected records and considered the submissions made on both sides. Admittedly, the allegations of fabrication of records was taken place in the year 2010 and the partition deed was also registered in the year 2013. It is also stated that there are civil suits pending before the District Munsif Court, Chengalpet, regarding the injunction and other reliefs including the removal of encroachments etc. Hence, I am of the view that to investigate the case of this nature, custodial interrogation is not necessary and further all the allegations are born out of records. Therefore, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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-II, Chengalpattu**, on condition that **the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 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;



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(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 shall report before the respondent police everyday at 10.30 a.m., for a period of four 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 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.

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To

1.The Judicial Magistrate-II, Chengalpattu.

2.The Inspector of Police
Central Crime Branch, Team-9,
Tambaram City Police,
Sholinganalur, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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