



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 3489 of 2026

1. Chinnaswamy

2. C.Sakthivelmurugan

..Petitioners

Vs

State Rep by,
Inspector of Police,
Kangayam Police Station,
Tiruppur District.
Crime No.12/2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant Anticipatory Bail to the petitioners and order to enlarge them on bail in the event of arrest in Crime No.2/2026 by the Respondent Police.

For Petitioners:

Mr.R.John Sathyan, Senior Counsel
for Mr.Sudhakar Kannusamy

For Respondent:

Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 120B, 420 & 468 of Indian Penal Code, 1860 in Crime No.12 of 2026 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that on 08.01.2026 the respondent police received C.M.P. No.3565 of 2024 from the Judicial Magistrate, Kancheepuram. One Mr.Tennes had filed the said petition stating that he is the power agent of Ponnusamy. According to the complaint, the disputed property was purchased by Palanisamy Gounder and his mother through sale deed bearing Document No.1986/1969. It is further stated that Palanisamy and his wife Thayammal were residing in Malaysia and they had appointed Chinnasamy, who is the brother of Thayammal, to take care of the property and collect rent. It is alleged that after the death of Palanisamy and Thayammal, the said Chinnasamy obtained patta in respect of the property and thereafter executed a settlement deed in favour of his son Sakthivel Murugan, who in turn executed a sale deed in favour of other persons. Hence, the complaint came to be filed and the present FIR was registered. hence the case.

3. The learned senior Counsel appearing for the petitioners submitted that the first petitioner had obtained Raiaththuwari patta on 16.12.1996 for the disputed property situated in New Survey No.1068/23 (Old S.F.No.443/2). Thereafter, the second petitioner constructed a house and has been residing there without any disturbance. It is further submitted that the first petitioner executed a settlement deed in favour of the second petitioner, who is his son. It is also submitted that the defacto complainant claims title through a sale deed of



the year 1969, however the said document does not contain proper particulars of the property. The learned Senior Counsel further submitted that the respondent police had earlier enquired into the complaint and closed the same and thereafter the defacto complainant approached the learned Magistrate under Section 156(3) of Cr.P.C., based on which the present FIR has been registered. It is also brought to the notice of this Court that a civil suit in O.S.No.173 of 2023 is pending before the District Munsif Court, Kangeyam, in respect of the very same property. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the land belongs to the defacto complainant and that the first petitioner, by creating a false patta, had executed a settlement deed in favour of the second petitioner. Therefore, according to the learned Government Advocate (Crl.Side), a *prima facie* case is made out and the investigation is in progress. Hence, he opposed to grant anticipatory bail to the petitioner.

5. From the submission of the learned counsel on either side, this Court is of the view that the entire issue revolves around the alleged fabrication of records relating to the subject property. In such scenario and also taking into consideration of the fact that the issue is lingering before the police as well as the Civil Court since 2023 and also taking into account that the dispute relates



to the title over the property and that the first petitioner is aged about 82 years, this Court is inclined to grant anticipatory bail to the petitioners, subject to conditions.

6. 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 is made ready, before the **learned Judicial Magistrate, Kankeyam District**, 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 conditions:

(a) If the petitioners fails to surrender before the concerned learned 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of eight 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 petitioner released on anticipatory 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

09-03-2026

NSL

To

1. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

2. The Public Prosecutor
High Court of Madras.

3. The Judicial Magistrate, Kankeyam.



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C.KUMARAPPAN, J.

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