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CRL OP No.5630 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.5630 of 2026

1. Balaji
S/o. Sundararajan,
Residing at
No.62, Line Medu,
Nagappan Main Road,
Salem - 636 006.

2. Kumaravalli
W/o.Balaji,
Residing at
No.62, Line Medu,
Nagappan Main Road,
Salem - 636 006.

...Petitioners/Accused

Vs

The State rep. by,
The Inspector of Police,
District Crime Branch,
Salem.
(Crime No.3 of 2026)

...Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C./482 of BNSS, to enlarge the petitioners on bail in the event of their arrest in Crime No.03 of 2026 pending investigation on the file of the respondent police.

For Petitioners:

Mr.L.Ramanathan

For Respondent:

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



ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 120-B, 465, 468, 471 & 420 of IPC, in Crime No.3 of 2026, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had attempted to sell the *de-facto* complainant's property and registered the Settlement Deed in favour of his wife, the second petitioner, by creating fake legal-heir-ship certificate. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the *de-facto* complainant. He also submitted that the alleged occurrence took place in the year 2024 and the FIR was registered on 05.02.2026. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to cooperate for the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the first petitioner has created a fake



legal-heir-ship certificate to sell the *de-facto* complainant's property and registered a Settlement Deed in favour of the second petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

6. This case revolves around creating a fake legal-heir-ship certificate and registering a Sale Deed in favour of the second petitioner. However, the learned counsel for the petitioners would submit that the occurrence took place in the year 2024 and the FIR was registered on 05.02.2026. Since the entire issue is based upon the documentary evidence, this Court is of the firm view that the custodial interrogation of the petitioners do not require. Hence, this Court is inclined to enlarge them on anticipatory bail, subject to certain conditions:

7. Accordingly, the petitioners are ordered to be released on anticipatory 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.6, Salem**, on condition that **the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**,



each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioners fail 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 petitioners shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., for a period of forty-five (45) days and thereafter, as and when required for interrogation;

(d) No relaxation petition will be entertained within a period of thirty (30) days;

(e) 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 anticipatory bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;



(f) If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1. The Judicial Magistrate No.6,
Salem.
2. The Inspector of Police,
District Crime Branch,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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