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CRL OP No. 6735 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 6735 of 2026

1. Parthasarathy
2. Arunprasath @ Arunprasad

..Petitioner(s)

Vs

State by,
The Inspector of Police,
CCB-Avadi Police Station,
Tiruvallur District.
Crime No.28 of 2026.

..Respondent(s)

Manoharan

..Intervener(s)

[Permitted to intervene vide order dated 15.04.2026 made
in Crl.M.P.No.5869/2026 in Crl.O.P.No.6735/2026]

Criminal Original Petition has been filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on
bail in the event of arrest in Crime No.28 of 2026, on the file of the Inspector of
Police, CCB-Avadi Police station, Chennai District.

For Petitioner(s): Mr.S.Silambu Selvan

For Respondent(s): Mr.P.Dhileepan
Government Advocate
(Criminal Side)

For Intervener(s): Mr.M.Thirumalai



ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for offences punishable under Sections 419, 420, 465, 467, and 471 of the Indian Penal Code (IPC) in Crime No. 28 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, arrayed as accused A4 and A5, signed as witnesses to a Power of Attorney regarding property purchased by the defacto complainant in the year 2001. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and have been falsely implicated. He further submits that the petitioners are law-abiding citizens with no prior criminal records and were not involved in any offence alleged by the prosecution. He contends that as the investigation has significantly progressed, custodial interrogation is unnecessary, and undertakes that the petitioners shall cooperate fully with the investigation.

4. The learned counsel appearing on behalf of the defacto complainant/intervener submitted that the petitioners signed as witnesses to a fabricated document while being consciously aware of the facts. He further submits that the investigation is at a preliminary stage and the prime accused is yet to be identified.



5. The learned Government Advocate (Criminal Side) appearing for the respondent police, while reiterating the prosecution's case, strongly opposed the grant of anticipatory bail. He submitted that the petitioner has two previous cases of a similar nature, indicating that he is a habitual offender. He further submitted that if the petitioner is released on anticipatory bail, there is a high likelihood that he may abscond or continue to commit similar offences, thereby hindering the investigation.

6. Considering the nature of the allegations, the fact that the second petitioner (A5) has no prior criminal record, and taking note of the submission regarding the circumstances under which the document was signed, this Court is of the view that custodial interrogation of A5 is not required. Consequently, this Court is inclined to grant anticipatory bail to the second petitioner (A5), subject to certain conditions. However, since the first petitioner (A4) has a similar case pending against him, this Court is not inclined to grant anticipatory bail to the first petitioner (A4).

7. Accordingly, the petition is **dismissed** as far as the first petitioner (A4) is concerned, and **allowed** as far as the second petitioner (A5) is concerned. The second petitioner (A5) is ordered to be released on bail in the event of arrest or on his appearance within fifteen (15) days from the date the order copy is made



ready, before the learned Judicial Magistrate No.I, Poonamallee, on the condition that the second petitioner (A5) 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 second petitioner (A5) 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 (A5) shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation;

(d) the second petitioner (A5) shall not tamper with evidence or witness either during investigation or trial;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate actions against the second petitioner (A5) in accordance with law as if the conditions have been imposed and the second petitioner (A5) 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];

(f) If the second petitioner (A5) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

15-04-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Jeni

To

- 1.The Judicial Magistrate No.I, Ponnammallee.
- 2.The Inspector of Police, CCB-Avadi Police Station, Tiruvallur District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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