



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7311 of 2026

Kandavel

..Petitioner

Vs

State, Rep.by,
The Inspector of Police
Ammamet Police Station,
Salem City.
Crime No.13 of 2026

..Respondent

Prayer: Criminal Original Petition filed under section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in Crime No. 13 of 2026 on the file of the Inspector of Police, Ammapet Police Station, Salem.

For Petitioner:

Mr.A.Nagarajan

For Respondent:

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

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 120B, 420, 465 and 468 IPC in Crime No.13 of 2026 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that there is a land dispute with regard to



the settlement deed among the family members. Hence, this case.

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3. The learned counsel for the petitioner submitted that his Father-in-law has got the subject property by way of settlement deed in the year 1976. Thereafter, he executed settlement deed in favour of the petitioner's wife in the year 1981 to the extent of 1.91 acres. After that, the property was devolved upon the petitioner's wife. They have plotted out the same in the year 2003 to various persons. While selling the above property, an extent of 1430 sq.ft was wrongly sold in excess of what was settled in favour of the petitioner's wife. Knowing nothing about such sale, the petitioner's father in law has executed the settlement deed in favour of the petitioner's wife in the year 2004. The de facto complainant is none other than the petitioner's brother in law. The brother of the petitioner's wife has given a complaint before the Police. Based on such complaint, now that the respondent is attempting to apprehend the petitioner and the petitioner is aged about 78 years and his wife has passed away. Hence prayed to enlarge the petitioner on bail.

4. The said contention was totally denied by the learned Government Advocate (Crl.Side) and submitted that though the petitioner who contended that the settlement deed was executed by father-in-law in favour of his wife, the fingerprint and other documents that were forged have already been forwarded to the Fingerprint Expert. Hence, investigation is pending and hence prayed to



dismiss the bail application.

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5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the facts and circumstances of the case and looking at the nature of transaction, the entire transaction had taken place in the year 2003-2004. The only issue in respect of 1430 sq.ft of land which admittedly not originally belongs to the petitioner, however contended that the father-in-law subsequently executed the settlement deed in their favour in the year 2004 and the validity of such settlement is under dispute. Though the de facto complainant has raised defence of forgery, this Court is of a firm view at this length of time, custodial interrogation of the petitioner is not required. The entire issue appears to be in the nature of civil dispute. Hence, taking into consideration of the totality of the circumstances and upon the ground that the petitioner is aged about 78 years, this Court is inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.V, Salem**, 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 petitioner 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 petitioner shall report before the respondent Police as and when required;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner 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.

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C.KUMARAPPAN J.

SHL

To:

1. The Inspector of Police
Ammamet Police Station,
Salem City.
2. The Public Prosecutor
High Court of Madras

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