



WEB COPY

CRL OP No. 9178 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9178 of 2026

N.Mahalingam
S/o.P.Natarajan,
No 11/6 Dr Ambedkar 5th Street,
Korukkupet Washermenpet,
Chennai - 600021.

..Petitioner(s)

Vs

The State Rep by, Inspector of Police,
R K Nagar Police Station,
Washermenpet,
Chennai.
Crime No.71 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner herein on Anticipatory Bail in the event of his arrest in connection with the Crime No. 71 of 2026 on the file of the respondent/police and thus render justice.

For Petitioner(s): Mr.S.Sabarish

For Respondent(s): MR.P.DHILEEPAN,
GOVT.ADVOCATE (CRL SIDE)

For Intervener :
Mr.D.Kaviyarasu

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 318(3), 336(3), 235 & 237 of BNS, in Crime No.71 of 2026 on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that he had obtained a legal heir certificate in respect of his deceased father without including the name of his siblings as legal heirs and thereafter settled the property in favour of his wife. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that Legal Heirship certificate No.8029/2010 in serial No.589 dated 05.04.2010, itself refers to the existence of the other siblings, and therefore, the allegation of suppression is factually incorrect. Hence, he seeks anticipatory bail to the petitioner.

4. The learned counsel for the intervener, by placing reliance on the reply furnished by the Information Officer from the Tahildar office dated 14.06.2024, submitted that no such legal heir certificate was issued by the said office. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.side) appearing for the respondent police reiterated the prosecution case and submitted that though the names of other legal heirs are referred to and they were mentioned as pre-deceased. Hence, he opposed to grant anticipatory bail to the petitioner.



6. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

WEB COPY

7. No doubt, the Public Information Officer of Thasildar Office has given such a reply, the correctness of the same cannot be conclusively determined at this stage. Here the petitioner has produced a legal heirship certificate, and the veracity and genuineness of the same can only be tested during the course of trial.

8. In such view of the above factual position and upon the fact that the occurrence took place during the year 2010 and the FIR was came to be registered on 04.03.2026, and also considering the age of the petitioner, who is about 59 years, this Court is of the firm view, that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

9. 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 XV Metropolitan Magistrate, George Town**, 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 daily at 10.30 a.m and 5.30 p.m for a period of two 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 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.

DRL

17-04-2026



To

1.The XV Metropolitan Magistrate,
George Town, Chennai.

2.The Inspector of Police,
R K Nagar Police Station,
Washermenpet,
Chennai.
Crime No.71 of 2026.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 9178 of 2



C.KUMARAPPAN, J.

DRL

**CRL OP No. 9178 of 2026
(2/2)**

17-04-2026