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CRL OP No. 9385 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9385 of 2026

Indira @ Esther

..Petitioner

Vs

State Rep. by
The Inspector of Police
District Crime Branch,
Kancheepuram District.
Crime No.2/2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to release the Petitioner on Anticipatory Bail in the event of her arrest by the respondent in Crime No.2 of 2026 on the file of Inspector of Police, District Crime Branch, Kancheepuram District.

For Petitioner:

Mr.K.V.Muthu Visakan

For Respondent:

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

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 464, 465, 468, 471, 420 r/w 34 IPC in Crime No.2 of 2026 on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that the petitioner along with her husband have fabricated Patta in respect of a Natham land and in furtherance thereof, A1 has executed a settlement deed in favour of this petitioner and based on that they have obtained loan from the defacto complainant to the tune of Rs.32 lakhs in the year 2022. Since there was default in repayment, the defacto complainant initiated action to attach the property and came to know that the property does not belong to this petitioner and hence registered an FIR. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner is the wife of A1. A1 has already been remanded to judicial custody. He further submitted that the petitioner was innocent and that he has been falsely implicated in this case and that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that though the de facto complainant registered a complaint, the entire complaint is in respect of fabrication of patta and execution of settlement deed on the basis of bogus patta. Admittedly the bogus patta stands in the name of A1 and only the A1 has executed the settlement deed in favour of this petitioner and the A1 has already



been arrested and remanded to custody. Hence, he opposed to grant anticipatory bail to the petitioner.

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5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. From the submission made by the learned Government Advocate (Criminal Side) and taking into consideration of the overt act played by this petitioner and the further fact that the document has been executed during the year 2022 and this petitioner being a woman, this Court of the firm view that at this length of time custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail subject to certain conditions.

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.4, Kancheepuram**, 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, everyday at 10.30 a.m. and 05.30 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.

SHL

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1. The Judicial Magistrate No.4, Kancheepuram

2. The Inspector of Police
District Crime Branch,
Kancheepuram District.

3. The Public Prosecutor High Court of Madras



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C.KUMARAPPAN J.

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