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Crl.O.P.No.10002 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.10002 of 2026

1.Srinivasan
2.Shanthi
3.Radhika

... Petitioners

Vs.

The State,
Represented by its Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
(Crime No.386 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.386 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.Punniakoti Ganesan

For Respondent : Mr.P.Dhileepan,
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 409, 420, 464 of IPC, in Crime No.386 of 2023 on the file of the respondent



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police seeks anticipatory bail.

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2. The allegation against the petitioners is that the de facto complainant's family owned 10 acres of land, out of which 8 acres were sold in 1970, leaving 2 acres. In respect of the remaining land, a Power of Attorney was executed in favour of the first accused, who is now deceased. It is alleged that, despite cancellation of the said Power of Attorney, the first accused executed a sale deed in favour of the petitioners in 2011 (Doc.No.7663 of 2011). Thereafter, the petitioners executed a gift deed in favour of their family members. Subsequently, an FIR came to be registered on 02.11.2023 alleging a fraudulent transaction. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are bona fide purchasers for valuable consideration, were acquired the property through a registered sale deed in 2011 without knowledge of any defect. He further submitted that the dispute is purely civil in nature and has been given a criminal colour with inordinate delay. The occurrence is stated to have taken place on 28.11.2011, whereas the FIR has been registered on 02.11.2023. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioners are involved in a fraudulent transaction. The property was sold on the strength of a Power of Attorney which had already become invalid due to the death of the first accused. He further submitted that the petitioners, with knowledge of the defect, had purchased the property and subsequently executed a gift deed to screen the illegal transaction. The act clearly discloses a dishonest intention to cheat the de facto complainant. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration the totality of the circumstances, the fact that the occurrence is stated to have taken place on 28.11.2011 and the FIR has been registered on 02.11.2023, and also considering that the co-accused has been enlarged on anticipatory bail by this Court in Crl.O.P.No.8847 of 2026, dated 08.04.2026, this Court is of the view that, in order to maintain parity with the earlier order in the said Crl.O.P., and at this stage, no custodial interrogation of the petitioners is required. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to the following conditions:



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6. 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, Sriperumbudur**, on condition that the **petitioners shall execute a separate 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 petitioners fails 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks, and thereafter, as and when required for**



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interrogation;

(d) 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 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

21.04.2026

cda

To

- 1.The Judicial Magistrate, Sriperumbudur.
- 2.The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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