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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP Nos.21806 & 23547 of 2026

CNR: {HCMA011833772026}

Selvamani

Case QR

..

Petitioner in Crl OP
No.21806 of 2026

Dhayalan

..Petitioner in Crl OP
No.23547 of 2026

Vs

The State Rep by its The Inspector of Police
CCB-Avadi,
Thiruvallur District
Cr. No. 50 of 2026

..Respondent(s)

Common Prayer: These petitions are filed under Section 482 of BNSS, seeking to enlarge the petitioner on bail in the event of their arrest in the above Crime No.50 of 2026 on the file of CCB-Avadi, Thiruvallur District.

For Petitioner(s): Mr.Arivazhagan for Crl OP No.21806/2026

Mr.Gurunathan M for Crl OP No.23547/2026

For Intervenor: No Appearance, in both the petitions

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.side) for both petitions

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COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420, 465, 468, 471 of IPC, in Crime No.50 of 2026, seek anticipatory bail.

2. Since both Criminal Original Petitions arise out of the same crime number, they are heard together and disposed of by this common order.

3. There are a total of three accused involved in this case. The petitioner in Crl.O.P. No.21806 of 2026 is arrayed as A2 (Mrs. J. Selvamani), and the petitioner in Crl.O.P. No. 23547 of 2026 is arrayed as A3 (Mr. V. Dhayalan).

4. The case of the prosecution pertains to double dealing in respect of the subject property measuring an extent of 3,975 sq.ft. comprised in Survey No. 435/18A, situated at Nemam Village, Poonamallee Taluk. According to the prosecution, the subject property originally belonged to one late Mr. Sampath Mudaliar. After his demise, his legal heirs executed a Power of Attorney in favour of the defacto complainant, Mr. N. Elumalai, in the year 2010 (vide Doc. No. 183/2010 dated 04.02.2010). In turn, the subject land was sold in the year 2011 (vide Sale Deed Doc. No.10395/2011). However, suppressing the earlier sale, one of the legal heirs, namely N.S. Janakiraman (A1), executed a

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Settlement Deed gifting the very same property to his wife, Mrs. J. Selvamani (A2 / petitioner in Crl.O.P. No.21806 of 2026) on 06.01.2021 (vide Doc. No.177/2021, alongside an earlier settlement deed dated 20.04.2017). Within two days thereafter, i.e., on 08.01.2021, A2 sold the property to A3, Mr. V. Dhayalan (petitioner in Crl.O.P. No. 23547 of 2026, vide Doc. No.289/2021, alongside an earlier sale deed dated 17.12.2020), who is said to be the subsequent buyer. Hence, the complaint came to be registered.

5. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners are willing to co-operate with the investigation proceedings and would never abscond. Hence, he prays for grant of anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed the grant of anticipatory bail to the petitioners. He submitted that the accused persons, in collusion with one another, indulged in double dealing and fabricated documents in respect of the subject property measuring 3,975 sq.ft., which had already been sold to the defacto complainant in the year 2011, thereby causing wrongful loss to the tune of Rs.1 Crore. He further submitted that, pursuant to the earlier direction of this Court dated 01.09.2026, the Tahsildar verified the revenue records and reported

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that the subject land is classified as Government 'Poramboke' land. Contending that the investigation is still at a crucial stage and custodial interrogation of the petitioners is required to unearth the entire conspiracy and the issuance of the bogus patta, he prayed for the dismissal of both Criminal Original Petitions.

7. Heard the learned counsel appearing for the respective petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

8. It is brought to the notice of this Court that the first accused (A1) was already arrested and subsequently released on bail by an order of this Court dated 18.09.2026 in Crl.O.P. No.24849 of 2026. Furthermore, on 01.09.2026, this Court directed the respondent police to verify the patta produced for the land, which was claimed to be classified as 'Natham', and file a report. In compliance with the said direction, it has been reported by the Tahsildar that the subject land is actually classified as 'Poramboke' in the Government records. None of the parties before this Court have explained as to how a patta came to be issued in respect of a property classified as Government Poramboke land.

9. Be that as it may, once the property of the original owner, Mr.Sampath Mudaliar, was sold in the year 2011, his legal heir, Janakiraman (A1), ceased to have any right or title over the subject property. Consequently, any subsequent

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document executed by A1 is void in law and would not convey any valid right or title in respect of the subject property.

10. Insofar as the petitioner in Crl.O.P. No.21806 of 2026 (A2) is concerned, she is a woman aged about 61 years and is merely the donee under the settlement deed executed by her husband (A1). The alleged offences are entirely borne out by records and documents. Moreover, her husband (A1) has already been arrested and enlarged on bail.

11. Insofar as the petitioner in Crl.O.P. No.23547 of 2026 (A3) is concerned, he claims to be a *bona fide* purchaser for valuable consideration. As observed above, since his vendor (A2) herself had no valid title to the property, nothing could have been legally transferred to this petitioner under the void sale documents.

12. Considering all the above facts and circumstances, and also taking note of the fact that the case rests primarily on documentary evidence and A1 has already been granted bail, this Court is inclined to grant anticipatory bail to both petitioners subject to certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate**

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No.1, Poonamallee, on condition that the petitioners shall execute a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner in Crl.O.P. No.21806 of 2026 (A2) shall report before the respondent police as and when required for interrogation; the petitioner in Crl.O.P. No.23547 of 2026 (A3) 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;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];**

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

20-11-2026

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To

1.The Judicial Magistrate No.1, Poonamallee.

2.The Inspector of Police
CCB-Avadi,
Thiruvallur District
3.The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

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CRL OP No. 21806 of 2026

20-11-2026

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