

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13270 of 2018

K.RATHINAMBAL

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPUR.
CR.NO.11 OF 2018

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.11 of 2018 registered by the respondent police for the offences under Sections 120B, 467, 470, 471, 472 and 420 of IPC.

2. The case was registered on 21.03.2018. The case of the prosecution as per the defacto complainant is that the second accused/son of this petitioner, in collusion with the first accused, had fabricated and forged the original title deed, encumbrance certificate, valuation report of engineer etc., with respect of the property belonging to the second accused and thereby, they obtained home loan to the tune of Rs.45,00,000/- from the complainant bank. The petitioner herein has stood as co-applicant to the loan.

3. The learned counsel for the petitioner would submit that the petitioner is the house wife and she the mother of the second accused and believing her son, the petitioner had signed the loan application. He would submit that she has no knowledge about the other documents produced before the Bank for loan and that she has not committed any offence, forgery and fabrication of documents. He would submit that her son the second accused was working under the first accused and the first accused is the main accused, who committed the offence. He would submit that the petitioner had not obtained any pecuniary gain in the transaction.

4. The learned Additional Public Prosecutor would submit that the petitioner colluded with the other accused had fabricated and

forged the original title deed, encumbrance certificate, valuation report of engineer etc., with respect of the property belonging to the second accused and thereby, they obtained home loan to the tune of Rs.45,00,000/- from the complainant bank. He would submit that A1 and A2 were arrested and later enlarged on bail and that as per the investigation, the petitioner has not obtained any pecuniary gain in the transaction.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 said on further condition that:-

[a] if the petitioner fail to surrender before the concerned Magistrate, within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner 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 interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
11/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPUR.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR NO.12917

CRL OP.13270/2018

Date :11/07/2018

MK:18/07/2018