

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16252 of 2018

M.S.DEEPIKA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

CENTRAL CRIME BRANCH,

TEAM 27A, EGMORE, CHENNAI - 8.

CR.NO.268 OF 2017

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.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.268 of 2017 registered by the respondent police for the offence punishable under Sections 420, 465, 468 and 471 r/w Section 34 of IPC.

2. There are totally four accused in this case and the petitioner is arrayed as A4. A1 and A2 are the father and mother of the petitioner. The case of the prosecution as per the de-facto complainant one Girija Kirubalini is that the mother of the first accused died leaving behind nine legal heirs. However, without disclosing the names of other heirs, A1 had obtained the legal heir certificate dated 03.02.1990 as if he is the only legal heir of his mother and thereafter, encumbered the property and obtained loan. The further allegation is that the petitioner, who is arrayed as A4, the daughter of A1 and A2 have signed the Mortgage Deed along with other accused. On the basis of a complaint given by the other legal heirs, the case has been registered.

3. The learned counsel for the petitioner would submit that at the time the legal heir certificate was obtained by A1, the petitioner was only aged about 6 months and that she has not committed any offence as alleged and that she was under impression that the house solely belongs to her parents and that she had signed as a witness in the loan documents.

4. The learned Additional Public Prosecutor would submit that

first accused along with other accused cheated the defacto complainant by obtaining the legal heir certificate suppressing their names and obtained loan. He would submit that A3-the brother of the petitioner, who has been similarly placed, has been granted anticipatory bail in CrI.O.P.No.21964 of 2017 dated 03.11.2017.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) & CBCID Metro Cases, Allikulam, Chennai, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police 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/-

29/06/2018

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 METROPOLITAN MAGISTRATE,
FOR EXCLUSIVE TRIAL OF CCB CASES[RELATING TO
CHEATING CASES IN CHENNAI]CBCID METRO CASES,
ALLIKULAM CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM 27A, EGMORE, CHENNAI - 8.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges SR.NO. 12082

CRL OP.16252/2018

Date :29/06/2018

RD 06/07/2018