

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.15061 of 2020

M.Edwin

... Petitioner

Vs.

State Rep by:
Inspector of Police
Central Crime Branch – 1
Team – 16-A, Egmore
Chennai 600008

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest by the respondent Police in Crime No. 10 of 2020 on the file of the Central Crime Branch – 1, Chennai.

For Petitioner : Mr.D.Selvam

For Respondent : M/s.T.P.Savitha
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest for the offences punishable under Sections 419,465,467,468,471 r/w 34 and 109 of IPC in Crime No. 10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that originally the property belongs to one P.S.Nageswaran, which was purchased by the de facto complainant, after that the de facto complainant visited the property for cleaning the area to construct a building, in which the accused A4 and A5 approached him and started to argue that the property belongs to A1 and A1 is the owner of the property and also holding other documents in his favour. By using the name of the de facto complainant, A1 impersonated with A2 and created a forged document in his name and by using that forged document, he executed a General Power of Attorney in favour of A3. With the help of A5, A3 tried to sell the property to A4, in which some advance amount was also transferred between them. Hence, the above incident happened only based on the alleged forged settlement document created by A1 and the petitioner is no way connected with the

forged document nor the offence as stated in the FIR. Hence, seeks for grant of anticipatory bail.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent purchaser and he has nothing to do with the crime. However, learned Government Advocate (CrI.Side) appearing for the respondent opposed for the grant of anticipatory bail.

4.Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that some of the other accused in Crime No.10 of 2020 have already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) in Crime No.10 of 2020 and on such deposit, the petitioner shall be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned Metropolitan Magistrate for exclusive trial of CCB cases (relating to cheating cases in Chennai)

Egmore, 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall stay at Chennai and report before the Inspector of Police (Central Crime Branch-1), Team -16-A, Egmore, Chennai, twice a day until further orders.

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

[e] the petitioner shall not abscond either during investigation or

trial.

[f] On failure to comply the condition or 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5.With the above directions, this Criminal Original Petition is ordered.

WEB COPY 29.10.2020

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Index : Yes/No

Internet : Yes/No

To

1. Metropolitan Magistrate for
exclusive trial of CCB cases
(relating to cheating cases in Chennai)
Egmore,

2.The Inspector of Police,
Central Crime Branch – 1
Team – 16-A, Egmore
Chennai 600008

3.The Public Prosecutor,
High Court of Madras
Chennai 600 104



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CRL.O.P.No.15061 of 2020

M.DHANDAPANI, J.

msv



CRL.O.P.No.15061 of 2020

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