

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.18418 of 2020

V.Rangarajan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Forgery Wing, Team-05, CCB,
Vepery,
Chennai-600 007.
(Cr.No.23 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.23 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.A.P.Loganathan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468 and r/w Section 34 & 109 of IPC, in Crime No.23 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the son of One Venkatachari and that his father had executed a power of attorney in favour of Suresh Babu and Sivagurunathan. Thereafter, the defacto complainant's father died on 14.12.2015. Then, the defacto complainant approached his brothers namely Rangarajand and Sriram to know the status of the property of their father and also the status of the jewels belonging to their parents, whereas there was no response from them and they simply ignored him. Therefore, having lost confidence on his brothers, the defacto compalainant took the Encumbrance Certificate of his father's property which is situated in Door No.20/8, Central Exise Clolony , V.G.P.Salai, Saidapet and noted several entries pertaining to the said property

and found that his father had executed a power of attorney in favour of One Suresh Babu and R.Sivagurunathan. Later it was found that on 16.02.2015, a sale deed has been executed subsequent to the death of his father on 14.12.2015 and the sale deed has been executed by A3/Suresh in favour of his wife namely Yuvarani by forging a life certificate. Hence, the compliant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant are brothers. The father of the petitioner had died on 14.12.2015 and while he was alive he had executed a power in favour of A3 and A5. Further coming to know of the death of his father, A3 and A5 had executed a sale deed in favour of the wife of A3 immediately on the next day. He would submit that the petitioner himself is a victim and not a beneficiary in the transaction and the sale deed has been executed by the other accused on the next day by forging the life certificate. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the father of the defacto complainant passed away on 14.12.2015 and prior to his death he had executed a power of attorney in favour of one Suresh Babu/A3 and R.Sivagurunathan/A5 and immediately on coming to know of the death of the father of the defacto complainant, the accused A3 and A5 had executed a sale deed in favour of one Yuvarani without the knowledge of the defacto complainant by forging the life certificate. He further submitted that the investigation is pending and also submitted that the respondent police issued notice to the petitioner under Section 41(A) for the appearance and enquiry and he had not appeared. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is 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 his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned XI Metropolitan Magistrate, Saidapet, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

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

-sd/-
10/12/2020

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
NO.XI, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

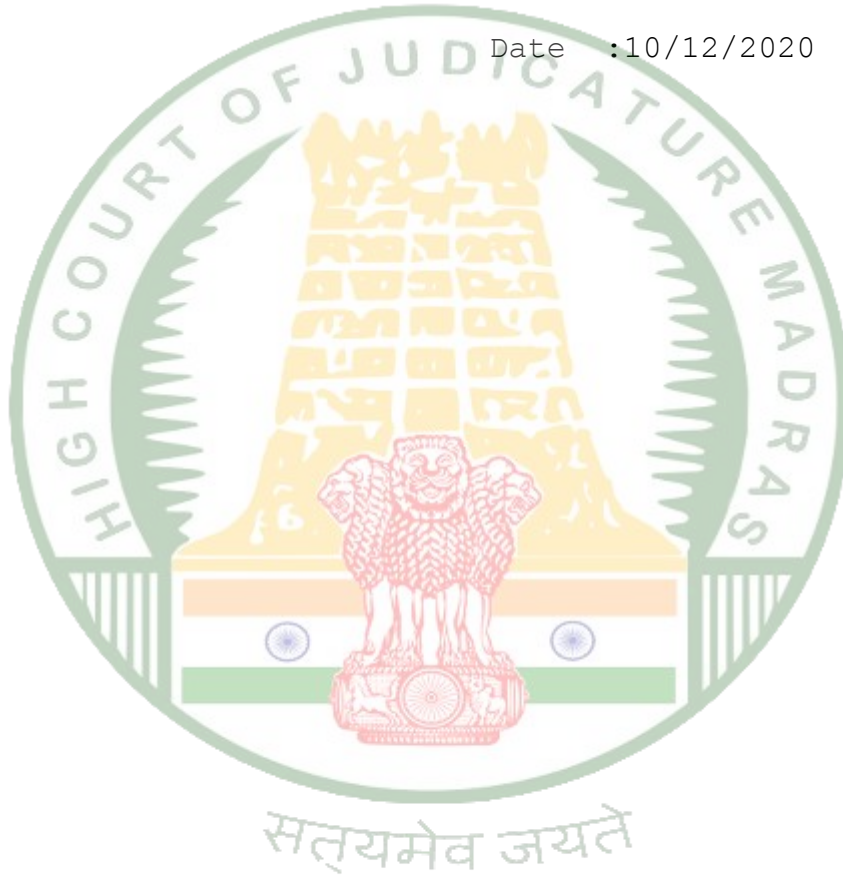
4 THE INSPECTOR OF POLICE,
FORGERY WING TEAM-05.
CCB, VEPERY, CHENNAI-600 007.

+1 CC to M/S.A.P.LOGANATHAN Advocate on payment of necessary
charges SR.No.8191

CRL OP.18418/2020

Date :10/12/2020

cs 04/01/2021



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