

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.4384 of 2021

BHUVANESWARI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CCB TEAM, XVIII,
CHENNAI.
CRIME NO.188 OF 2020

[RESPONDENT]

For Petitioner : M/S.K.KANNAN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 419, 465, 467, 468, 471 and 120B of I.P.C in Crime No.188 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 5 accused in this case and the petitioner herein is A2. The allegation is that the petitioner along with other accused persons created some forged documents and registered a land in favour of the petitioner, who inturn executed a power of attorney in favour of A3. Hence, the defacto complainant filed a complaint stating that the petitioner along with other accused entered into a criminal conspiracy and created some forged documents and transferred the property from his name.

3. The learned counsel for the petitioner would submit that the petitioner is only a name lender for the sale deed and power of attorney, as A1 is well acquainted to the petitioner she agreed for the same and without knowing the consequences she has also executed a power of attorney in favour of A3. Thereafter knowing that the defacto complainant is the original owner of the property, she has cancelled the power of attorney and sale deed. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the power of attorney and the sale deed has been cancelled and A1 is still absconding and witnesses have not known, hence, the custodial interrogation of the petitioner is necessary to this case. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that A1 is the main accused in this case and the petitioner said to be only a name lender and both the sale deed and power of attorney have been cancelled, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the XI M.M. Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/03/2021

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,
CCB TEAM, XVIII,
CHENNAI.

+1 CC to M/S.K.KANNAN Advocate on payment of necessary charges
SR.No.3947

CRL OP.4384/2021

Date :24/03/2021

cs 01/04/2021

WEB COPY