



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11529 of 2021

1. M.Siddiq @ Abu Baker,  
2. Malikkinisa,

...Petitioners

Versus

State Represented by,  
Inspector of Police,  
Central Crime Branch,  
(EDF-II) Team-3, Vepery,  
Chennai.  
(Crime No.63 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.63 of 2021 on the file of the respondent.

For Petitioners : Mr.S.Suresh

For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC, in Crime No.63 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners induced the the defacto complainant and created forged documents and also revenue records and received a sum of Rs.2.05 Crores from the defacto complainant Later on verification, he gained knowledge about the fabrication of documents and the law enforcing agency registered a case in Crime No.418 of 2014 in respect of the above case. Thereafter, the petitioners had filed a petition for anticipatory bail before this Court in Crl.O.P.No.16057 of 2014 dated 09.12.2014 and this Court had granted interim bail. On 09.12.2014 the petitioners herein out of Rs.2.05 Crores paid a sum of Rs.10,00,000/- as Demand Draft and for the remaining amount gave 20 post dated cheques, Based on the same the interim anticipatory bail was made absolute. Later it seems that when the cheques were presented for



collection, the cheques were dishonoured. Hence, the petitioners were arrested and enlarged on bail. However, all these cases filed by the petitioners were dismissed and therefore on the instigation of defacto complainant already preferred a private complaint under Section 138 of Negotiable Instruments Act in the year 2016 and cheques were dishonoured and the details of the cases pending before the learned Judicial Magistrate No.II, Kumbakkonam, (i). S.T.C No.435 of 2016, (ii) S.T.C.No.436 of 2016, (iii) S.T,C.No.437 of 2016, (iv) S.T.C.No.438 of 2016, (v) S.T.C.No.439 of 2016, (vi). S.T.C.No,440 of 2016. Thereafter, the defacato complainant had filed a summary suit in O.S.No.166 of 2016 before the Principal District Judge, Chengalpattu in respect of the cheques in dispute in the present complaint, Further the petition to grant leave to defend the suit in I.A.No.106 of 2018 filed by the petitioner was dismissed by the trial Court. Aggrieved over the same, the petitioners preferred a Civil Revision Petition before this Court in CRP.No.2360 of 2018 after hearing both side arguments, this Court set aside the order of the trial Court with a direction to dispose of the suit within 4 months from the date of receipt of the order copy. While so, the defacto complainant filed a petition under Section 156(3) before the trial Court. Thereafter, the law enforcing agency registered a case in Crime No.63 of 2021.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

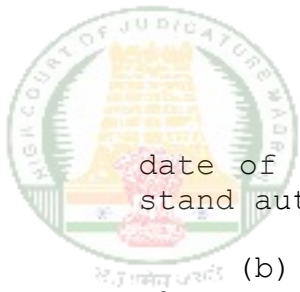
4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5. The learned counsel for the intervenor/defacto complainant submits that the petitioners had created a forged documents and cheated the defacto complainant. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate No.I, Alandhur, on condition that the petitioners shall execute a separate 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the



date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners 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.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
06/07/2021

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.1, ALANDUR

2 THE CHIEF METROPOLITAN MAGISTRATE ,  
EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
(EDF-II) TEAM-3,

<https://hcservices.ecourts.gov.in/hcservices/>  
VETERY, CHENNAI.



4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.S.SURESH Advocate on payment of necessary charges

WEB COPY

CRL OP.11529/2021

Date :06/07/2021

apn 15/07/2021