



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11771 of 2021

Isravel Dharmaraj,

...Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Team - 23, Vepery,
Poonamallee High Road,
Chennai.
Crime No.86 of 2014

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to grant Anticipatory Bail in the event of arrest by the respondent police in Crime No.86 of 2014 pending investigation before the Respondent.

For Petitioner : M/s.S.J.Sasikala

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 416, 420 & 464 of IPC, in Crime No.86 of 2014, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant' father is the original owner of the property from the year 1995 and thereafter, he died. Further, the petitioner had created a forged power of attorney and executed sale deed in favour of him and cheated the defacto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that after his purchase the vendor constructed the house and change the patta in his name. Now the legal heirs of the original owner Mr.C.R.Chittibabu had been threatening the petitioner. Thereafter, the petitioner had filed a suit against the defacto complainant in O.S.No.198 of 2005 before the Additional District Munsif Court, Alandur and the same is pending. Hence, she prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that there was a civil dispute between the petitioner and the defacto complainant and the suit is pending and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for CCB, Egmore, 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 and on further condition that:

(a) if the petitioner 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

(e) the petitioner 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 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]*; and;

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

-sd/-
15/07/2021

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 ADDITIONAL DISTRICT MUNSIF COURT,
ALANDUR.

2 THE LEARNED SPECIAL COURT CCB,
EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM-23,
VEPERY, POONAMALLEE HIGH ROAD,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11771/2021

Date :15/07/2021

CSK 28/07/2021