



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17180 of 2020

T.Suresh Mathew

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
K-2, Ayanavaram Police Station
Chennai District
(Crime No.88 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in connection with the Crime No.88 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy
For Intervenor : Mr.S.Shanmuga Velayutham
For Respondent : Mr. C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 465, 468, 471, 420 and 506(ii) IPC, in Crime No.88 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Vincent is that the petitioner along with other accused had approached him during the year 2017 and in the guise of obtaining loan for the defacto complainant, they have got power of attorney from him and thereafter, by fabrication of documents and forging of life certificates, they have executed sale consideration in the name of one Rajesh / A2 in this case and by pledging the documents in L.I.C Housing Finance Ltd., obtained loan to the tune of Rs.48 lakhs and thereby cheated the defacto complainant. Hence, the complaint.

3.Learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second anticipatory



bail petition, despite the earlier dismissal order of this Court vide order dated 19.08.2020 in CrI.O.P.No.11739 of 2020, the respondent police have not taken any steps to arrest the petitioner. Accordingly, prays for grant of anticipatory bail to the petitioner.

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4.Learned Additional Public Prosecutor appearing for the respondent would submit that the complainant is a Priest in Church. A house site to the extent of 1830 sq.ft., which was settled in favour of the complainant and his sister by his father in the year 2004. The defacto complainant has constructed a house in the year 2013 by arranging loan from the third parties. As the loan was fetching huge interest, A6 viz Hari, who is a school teacher, has approached the defacto complainant and assured him to arrange for a loan to the tune of Rs.20,00,000/- at low interest rate and introduced A4 and A5. A4 and A5 in turn had introduced A1 viz. Loganathan. A1 introduced A2 & A3 in the year 2017, and they have made the defacto complainant and his mother to execute Power of Attorney in favour of A2 on 06.07.2017 and they have also received the signatures of the defacto complainant in the blank cheques but they did not arrange any loan. Thereafter, they have given only Rs.5 Lakhs to the defacto complainant, however, based on the Power of Attorney, they have executed a sale deed in favour of A5 by getting loan from L.I.C. Housing Finance for Rs.48 Lakhs and deposited the amount in the defacto complainant's account and based on the signed cheques obtained from the defacto complainant, they have withdrawn the amount and thereby, they have cheated the defacto complainant. He would further submit that it is a large scam and that the custodial interrogation of the petitioner is necessary and thereby he would oppose to grant anticipatory bail to the petitioner. He would submit that that the Court, taking into consideration the serious charges against the petitioner, had dismissed the earlier application. He would further submit that the petitioner and the other accused are absconding and the respondent police is taking effective steps to secure them and that in this case, recovery has to be effected and the custodial interrogation of the petitioner is necessary. The respondents are also taking effective steps to get the details from L.I.C. Housing Finance Limited and that the investigation is also in a crucial stage.

6.Learned counsel appearing for the intervenor would oppose stating that the petitioner along with other accused by fabrication of documents, forging and misrepresentation, had cheated the defacto complainant to the tune of Rs.48 Lakhs, due to which, the defacto complainant has lost his property and he is also in a precarious situation to pay the interest. He would further submit that after the dismissal of the earlier application, there is no change of circumstances and he would seek to dismiss the application for anticipatory bail.

7.Heard the counsels. Perused F.I.R.

8.This Court taking into consideration of the fact that the petitioner along with other accused by fabrication of documents, forging and misrepresenting had cheated the defacto complainant to



the tune of Rs.48 Lakhs, had passed a detailed order of dismissal on the earlier occasion vide order dated 19.08.2020 in CrI.O.P.No.11739 of 2020, subsequent to the dismissal order, there is no change of circumstances. Further, it is represented by the prosecution that the investigation is in crucial stage and the custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioner.

9.This Criminal Original Petition is dismissed accordingly.

-sd/-
04/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
K-2 AYANAVARAM POLICE STATION, CHENNAI
DISTRICT .

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.17180/2020

Date :04/02/2021

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