

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17137 of 2020

NARASHIMA REDDY

[PETITIONER / ACCUSED]

Vs

STATE REP.

[RESPONDENT]

THE INSPECTOR OF POLICE
K-11, CMBT POLICE STATION,
KOYAMBEDU, CHENNAI.
CR.NO.766 OF 2020

For Petitioner : M/S.VIMAL B.CRIMSON Advocate

For Respondent:M/S.KRITIKA KAMAL P., Government Advocate (Crl.side)

For Intervener : M/S.K.V.SAJEEVKUMAR Advocate
[IN CRL.MP.NO.7085/2020]

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 420, 406, 465, 471 of IPC read with Section 34 of IPC in Crime No.766 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant executed the power of attorney in favour of the petitioner and thereafter, the petitioner entered into a sale agreement with the other accused person by forging the life certificate and forged signature of the defacto complainant. Therefore, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, the respondent police registered a case against the petitioner and other accused person.

3.The learned counsel appearing for the petitioner submits that the Power of Attorney is not disputed by the defacto complainant. The only dispute is with regard to the life certificate and signature. The petitioner has nothing to do with

the offence as stated by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submits that the defacto complainant borrowed a loan from the petitioner, for which he given a power to the petitioner in respect of the property at Koymabedu, Chennai. To take advantage of this, the petitioner misused the power that he entered a sale agreement with A3. Hence, she opposed grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also the submissions made on either side, 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 V Metropolitan Magistrate, 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)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;

(b)the petitioner shall report before the respondent police everyday at 10.30 AM until further orders;

(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]; and;

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

-sd/-
15/04/2021

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.V, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE
K-11, CMBT POLICE STATION, KOYAMBEDU,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.VIMAL B.CRIMSON Advocate on payment of necessary charges SR.No.4820

सत्यमेव जयते

CRL OP.17137/2020

Date :15/04/2021

cs 24/05/2021

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