

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.18327 of 2020

E. Arulmozhi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch (CCB) - II,
Chennai - 600 008.
(Crime No.44 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant bail to the petitioner in the event of her arrest by the respondent police in Crime No. 44 of 2019 on the file of the Inspector of Police, Central Crime Branch (CCB) - II, Chennai - 600 008.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 419, 465, 468 and 471 of IPC, in Crime No.44 of 2019, on the file of the respondent Police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner is an unnamed accused. The allegation is that the property belongs to the father of the defacto complainant and one Sampath, who was arrayed as A2, claiming to be the Power of Attorney Agent of his father, by impersonation, sold the property to various persons and after having sold the property to various persons, he gifted out part of the property to his wife. Based on the complaint given by the defacto complainant, the crime has been registered against nine named persons and seven un named-persons. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the bonofide purchaser of the property from A2 and she has purchased the land jointly with her husband for a valuable consideration and impersonation was committed by A2. That apart, already the husband filed anticipatory bail in CrI.O.P.No.12919 of 2019, dated 14.06.2019 and he was enlarged on anticipatory bail. Now the police has issued the summons under Section 41A of Cr.P.C. Hence, the petitioner apprehending the arrest at the hands of the respondent police, the present application is filed. Hence, he prays for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A2 has forged documents and sold the property. Now, in the above circumstances the summons has been issued under Section 41(A) of Cr.P.C and the petitioner is required to appear before the respondent police for enquiry, therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, the co-accused released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Alandur, 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, 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.

-sd/-
06/01/2021

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 JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (CCB)-II
CHENNAI-600 008.

+1 CC to M/S. C.P.SIVAMOHAN Advocate on payment of necessary charges SR.NO.161

CRL OP.18327/2020

Date :06/01/2021

TA-22/01/2021

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