



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22496 of 2021

Srinivasan

... Petitioner

Vs.

State represented by
Station House Officer,
J - 9, Thuraipakkam Police Station,
Chennai.
Cr.No.706 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner/Accused No.1 in the event of his arrest in the crime No. 706 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.R.Sangaralingam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 417, 468, and 406 of IPC, in Crime No.706 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and defacto complainant are husband and wife and they were jointly purchased a property at Alagappa Nagar, Sholingnallur Taluk. The petitioner mortgaged the above property for about Rs.20,00,000/- by using fake signature and fake documents of the defacto complainant in the Clix Capital Financial Assistance Company and he failed to repay the above loan amount and thereafter, the debtors urged the defacto complainant to repay the loan. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that based upon the false complaint given by the defacto complainant/ wife of the petitioner, the petitioner has been implicated in this case. He further submits that due to misunderstanding between them, they



are living separately. Now, the defacto complainant along with her children are living in her parents house, inspite of the efforts taken for re-union, the defacto complainant has refused to go to the matrimonial home, for which, the petitioner filed HMOP.No. 2562 of 2020 before the VII Additional Principal Judge, Family Court, Chennai, and notice also served to her, thereafter she lodged a complaint. He further submits that the petitioner has not got any loan manipulated documents as alleged by the prosecution. He further submits that due to non payment of the loan from the Clix Capital Financial Assistance Company, the said company initiated the Arbitration Proceedings against the petitioner and the defacto complainant in Arbitration Case.No.CC/VM/30/2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl Side) appearing for respondent submits that there is no previous cases as against the petitioner.

5. Considering the facts and circumstances of the cases and also considering the submissions made by both counsel, as well as the pending arbitration proceedings, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, 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, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of eight 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/-

30/11/2021

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 STATION HOUSE OFFICER,
J-9, THURAIPAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.R.SANKARA LINGAM Advocate on payment of
necessary charges SR.NO.13710

CRL OP.22496/2021

Date :30/11/2021

RW 08/12/2021