



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Cr1.O.P.No.1232 of 2022

P.T.Sekar

...Petitioner

Vs.

State Represented by
Inspector of Police,
Central Crime Branch - I,
Vepery, Chennai
(Crime No.179 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.179 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Anbazhagan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.12.2021 for the offences under Sections 120B, 420, 465, 467, 468 & 471 of I.P.C, in Crime No.179 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Kiruthika and her husband viz., Vanjinanthan obtained housing from the Punjab National Bank to the tune of Rs.2,09,25,000/- by mortgaging forged and fake documents by way of colluding with the sellers. It is further alleged that the petitioner is the Auditor of the Accused 1/ Kiruthika and her family and A1 approached the petitioner herein for the legal opinion and thereafter, the petitioner created the forged documents in respect of the property belongs to Mahaveerchand Dhoka and received Rs.1,00,000/- as commission. Hence, the complaint.

2. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that the



petitioner is an Auditor of A1 and her family and A1 approached the petitioner for legal opinion, for which, the petitioner gave an opinion to the property, only on the basis of the documents furnished by A1 which was placed before him, apart from this, nothing was done by him. He further submits that the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.179 of 2021 to show his bonafide. He further submits that the petitioner has been suffering incarceration for 59 days from 22.11.2021. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would raise strong objection stating that the petitioner is arrayed as A9, he along with A8 had created forged documents and for which, he had received a sum of Rs.1,00,000/- as commission.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.179 of 2021 to show his bonafide, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.179 of 2021 and on such deposit, the complainant's bank is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned CCB/CBCID Metropolitan Magistrate Court, Egmore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(e) the petitioner shall report before the respondent police on every Tuesday, Thursday and Saturday at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;



(g) the petitioner shall not abscond either during investigation or trial;

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

20/01/2022

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 CCB / CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -1,
VEPERY, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.PURUSHOTHAMAN REDDY. Advocate on payment of necessary charges

CRL OP.1232/2022

Date :20/01/2022

RW 21/01/2022