



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Cr1.O.P.No.1159 of 2022

1. R.Sridevi
2. V.Ramesh Babu

... Petitioners

Vs.

State rep. By
The Inspector of Police,
District Crime Branch,
Tiruvallur.
(Cr. No.99 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to grant bail in the event of arrest in Crime No.99 of 2021 on the file of the respondent pending investigation with suitable conditions that may be imposed by this Hon'ble Court.

For Petitioners : Mr.N.Manokaran
for Mr.R.Sreerangan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener: Mr.R.P.Murugan Raja
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 419, 420, 465, 468, 471, 506(1) of IPC, in Crime No.99 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that Mr.Chandiran and his brother Venkateshan purchased a land in Sy.No.20/2 in Ayathur Village, Tiruvallur Taluk, admeasuring 1.94 acres in the year 25.05.1981 from one A.B.Jayaraj and he has settled in Bangalore, now when he had obtained a Encumbrance Certificate and found that their signature were fabricated and the property was sold in favour of one Saraswathy(A1) in 1985 and she produced a fabricated non-traceable



certificate as if the original were missing. Thereafter, she registered a settlement deed in the name of her son Ganesan (A2) in the year 2021. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and they have been falsely implicated in this case. He further submits that the first petitioner is the wife of the second petitioner and the petitioners names was not mentioned in the FIR. He further submits that she is a bonafide purchaser for a valuable consideration from A1. He further submits that the document is of the year 1995 and only in the year 26.05.2000 purchase valuable consideration and they have not any knowledge about the earlier transaction. Hence, he prays for grant of anticipatory bail to the petitioners.

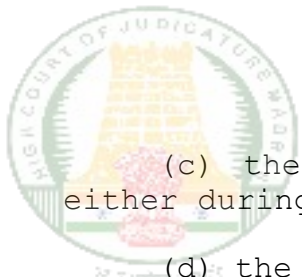
4. The learned Additional Public Prosecutor submitted that the first petitioner is the sister of A1 and all the petitioners were colluded together and created the fabricated documents and had intention to grab the property belongs to the defacto complainant. He further submits that A1 and A2 were released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission of the Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Tiruvallur, on condition that the petitioners 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 petitioners 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 first petitioner, being the lady, shall appear before the respondent police as and when required for interrogation and the second petitioner is directed to appear before the respondent police on every Saturday at 10.30 a.m. until further orders.



(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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.

7. The first petitioner Sridevi is directed to surrender the original sale deed which stands in her name dated 26.05.2000 vide document 2832 of 2000 before the Trial court and both the petitioners should file their affidavit that they shall not create any encumbrance over the property until the matter is solved between them.

-sd/-

02/02/2022

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 JUDICIAL MAGISTRATE,
NO.I, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to R.SREERANGAN Advocate on payment of necessary charges
SR.NO.1773

CRL OP.1159/2022

Date :02/02/2022

RW 08/02/2022