



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

CrI.O.P.No.4374 of 2022

and CrI.M.P.No.2745 of 2022

Mohammed Akmaluddin

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
CCB-I Police Station,
Chennai CCB,
Chennai.
(Crime No.204 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.204 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj for
Mr.W.Camyles Gandhi

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

For Intervener : Mr.A.Saravanan

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 01.02.2022 for the offences punishable under Sections 465, 467, 468 and 471 of I.P.C. in Crime No.204 of 2021, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned counsel for the intervener.

3.Based on the F.I.R. given by one Mahavirchand, Power of Agent of the legal heirs of the deceased Manjula Bhatt, a complaint has been registered by the respondent police on 16.11.2021 for the offences under sections 465, 467, 468 and 471 of I.P.C. The crux of



the complaint is that the petitioner herein who entered into a rental agreement in respect of the premises, has created a fake and forged rental agreement as if Manjula Bhatt had executed the deed dated 01.07.2016. However, in fact, the said Manjula Bhatt died on 31.01.2016. Pursuant to this forged rental agreement, it is further alleged that the petitioner herein has produced the rental agreement to Registrar of Companies, got his company registered and thereafter not paid the rent to the landlord and refused to vacate the premises.

4.Learned counsel for the petitioner would submit that in respect of the disputed premises, the petitioner herein initially entered into the rental agreement with Manjula Bhatt and her sister Praveena Bhatt. The said Praveena Bhatt representing for herself and on behalf of her sister. In view of the documents executed by Praveena Bhatt and believing the words of Praveena Bhatt, the other documents were executed by her sister Manjula Bhatt, entered into rental agreement and in occupation of the disputed property, also rent control proceedings was initiated before the Small Causes Court in R.C.O.P.No.595 of 2018 against Manjula Bhatt and Praveena Bhatt. Whiles, an attempt is made to illegally vacate him without due process of law and this complaint is outcome of such attempt.

5.On perusing the F.I.R, this Court finds that probably a rental agreement has been created in the name of a dead person that has been used by the petitioner herein to get his company registered before the R.O.C. However, for investigating this case, detaining the petitioner in prison may not be required. It is suffice to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties, each for a like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore.

(b) 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;

(c) **the petitioner is directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders.**

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



(e) 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];

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

The connected miscellaneous petition for intervening is closed.

-sd/-
03/03/2022

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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CCB-I POLICE STATION,
CHENNAI CCB,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.3212

CRL OP.4374/2022
and Crl.M.P.No.2745 of 2022

Date :03/03/2022

TA-03/03/2022