



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.04.2022

Pronounced on : 11.04.2022

WEB COPY

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8063 of 2022

R.Manju

... Petitioner/3<sup>rd</sup> Accused

/versus/

The State By:

The Inspector of Police,  
Central Crime Branch,  
Team 37, Vepery,  
Chennai - 600 007.  
(Crime NO.336 of 2022)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 438 of Cr.P.C., pleaded to enlarge the petitioner on bail in the event of her arrest in Crime No.336 of 2022 on the file of the respondent police and pass orders.

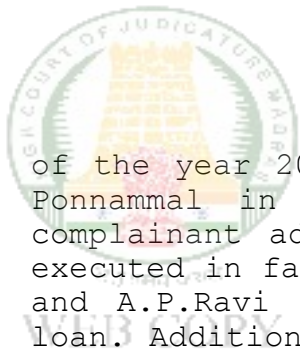
For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.S.Santhosh,  
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest for the alleged offence under Section 420, 465, 467, 468, 471, 109, 120 (b) of I.P.C., in Crime No.336 of 2022, seeks anticipatory bail.

2. The petitioner is one of the suspected accused in the case of cheating and forgery. As per the complaint, the father of the defacto complainant is a financier. A.P.Ravi the husband of the petitioner introduced one Ponnammal as the owner of the land situated at Injambakkam Village bearing New Survey No.268/4B1A1 measuring 75 cents and sought loan. Based on the recommendation of A.P.Ravi and production of sale deed of the year 1977 in favour of Krishnan husband of Ponnammal, settlement deed of the year 2004 in favour of Ponnammal by the other legal heirs of late Krishnan and the rectification deed



of the year 2015 and the mortgage deed in favour of federal Bank by Ponnammal in respect of the property the father of the defacto complainant advanced loan of Rs.80,00,000/-. The mortgage deed was executed in favour of defacto complainant father by the said Ponnammal and A.P.Ravi and his wife Manju signed as guarantors for the said loan. Additional loan of Rs.50,00,000/-and Rs.1,05,00,000/- was given based on the subsequent request and second mortgage. These mortgage deeds were registered as documents Nos.6523/2017 and 274/2019 respectively.

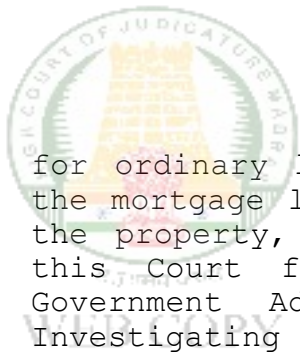
3. Krishnan had already sold the property during his lifetime to one S.B.Thomas and the sale deed dated 16/11/1989 was registered as document No.691/1990, SRO Adyar. Taking advantage of the fact that, the said sale is not reflected in encumbrance certificate, the Ponnammal and her relatives have fabricated to create title in the name of Ponnammal by way of a release deed in respect of property to which they have no right. After creating fake title had mortgaged the property to the father of the defacto complainant by false representation with intention to cheat.

4. Case in Crime No.336/2020 is registered by the respondent police under sections 420, 465, 467, 468, 471, 109 and 120(b) of I.P.C., against the said Ponnammal, her relatives, who have executed the release deed and created fake title on Ponnammal along with A.P.Ravi and his wife Manju, who stood guarantors for the loan based on fabricated documents and facilitated the cheating.

5. The Learned Counsel for the petitioner submitted that, the petitioner, no doubt stood surety for the loan transaction but she has no role in the alleged cheating or fabrication of title document. Even according to the complaint, it was A.P.Ravi, who introduced Ponnammal to the father of the defacto complainant and for that reason as wife of A.P.Ravi, she cannot be prosecuted. In any case, she is ready to cooperate with the investigation and pre-trial arrest is not necessary in this case.

6. The respondent police has filed detailed counter opposing grant of bail, stating that, the petitioner is not ignorant of the fabricated documents. She and her husband had been signatories to all the mortgage deeds and deed of guarantee. So far, she has not cooperated with the investigation and hiding. If, she is released on bail, there is every possibility of absconding.

7. This is a case of loan, based on mortgage of immovable property. The petitioner has stood guarantee for the repayment and redemption of the mortgage. In such circumstances, unlike sureties



for ordinary loan transaction, the person, who stands guarantee for the mortgage loan cannot feign ignorance of the true title holder of the property, which is subject matter of the mortgage. Therefore, this Court finds force in the submission made by the Learned Government Advocate (Crl.Side) and the counter filed by the Investigating Officer.

8. This Court taking note of the conduct of the petitioner and her refusal to cooperative with the investigation, dismiss the petition for anticipatory bail. Accordingly, this Criminal Original Petition is dismissed.

-sd/-  
11/04/2022

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,  
ALANDUR.

2 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
TEAM - 37 VEPEY  
CHENNAI - 600 007

3 THE SECTION OFFICER  
E.R.SECTION, HIGH COURT, MADRAS.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges SR.NO.5563

CRL OP.8063/2022

Date :11/04/2022

JPA 19/04/2022