



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM
CRIMINAL ORIGINAL PETITION No.10159 of 2022

N.KAMALAKANNAN

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP.BY
INSPECTOR OF POLICE,
CCB-I, POLICE STATION,
CHENNAI.
CR.NO.76 OF 2021.

[RESPONDENT]

For Petitioner : M/S.R.SURENDAR KUMAR Advocate

For Respondent : MR. S.UDHYAKUMAR, Govt. Advocate(Crl. Side)

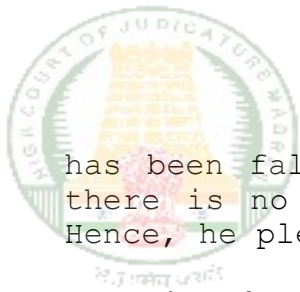
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 419, 420, 465, 467, 468, 471, 34 and 109 of IPC in Crime No.76 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that originally, the father of the defacto complainant had purchased a property vide sale deed dated 20.02.1963. After purchase of property, the father of the defacto complainant had constructed a house during 1990-91 and subsequently, he had executed a Will dated 15.03.2007 in favour of his wife and got demised on 15.09.2014. Thereafter, the property devolves on the defacto complainant after the lifetime of his mother. Suddenly, the defacto complainant came to know that one impersonator namely K.C.Mathew Robert had executed a Power of Attorney dated 05.10.2020 registered as document No.5947 of 2020 in favour of one Pradeepraj without any valid legal title over his property by fraud and fabrication of bogus documents. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the alleged offence and he



has been falsely implicated in this case. He further submitted that there is no specific overtact attributed as against the petitioner. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused had executed a Power of Attorney in favour of one Pradeepraj without any valid legal title over the property of the defacto complainant by fabrication of documents. Hence, he opposed to grant of bail to the petitioner.

5. On perusal of the First Information Report shows that there is no specific overtact attributed as against the petitioner and further, there is no allegation for falsification of any documents.

6. Considering the facts and circumstances of the case and also taking note of the fact that there is no specific overtact attributed as against this petitioner and hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate, Special Court for CCB and CBCID, Egmore, Chennai, on condition that the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 petitioner shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

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

(c) the petitioner shall report before the respondent Police Officer as and when required for interrogation;

(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 has 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.

WEB COPY

-sd/-

12/05/2022

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 SPECIAL COURT FOR
CCB AND CBCID, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.R.SURENDAR KUMAR Advocate on payment of necessary charges Sr. 7040

CRL OP.10159/2022

Date :12/05/2022

RVR 16/05/2022