



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.10640 of 2022

K.PALAYAMUTHU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-I,
CHENNAI.
CRIME NO.336 OF 2020.

[RESPONDENT]

For Petitioner : M/S.T.SAI KRISHNAN Advocate

For Respondent : MR.L.BASKARAN, 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 offences punishable under Sections 420, 465, 467, 468, 471, 109 & 120B of IPC, in Crime No.336 of 2020, seeks anticipatory bail.

2. The case of the Prosecution is that the Petitioner/A7 along with other Accused persons executed a forged settlement deed in favour of First Accused/Mother of the Petitioner and thereafter, the same was rectified vide Registered Rectification Deed in Doc.No.8720 of 2015. Subsequently, with an intention to cheat the De-facto Complainant, First Accused/Mother of the Petitioner, deposited the said forged deed and borrowed a sum of Rs.2.35 Crores from him as a loan. Hence, the complaint.

3. The learned Counsel for the Petitioner submitted that the Petitioner is an innocent and law-abiding person and he did not commit any offence as alleged by the Prosecution. Hence, he prays for grant of anticipatory bail to the Petitioner.



4. The learned Government Advocate (Criminal Side) submitted that originally, the subject property belonged to one Krishnan/Father of the Petitioner and he sold the same in favour of one S.P.Thomas. However, after the demise of the said Krishnan, suppressing the above said facts, the Petitioner/A7 joined together with other Accused persons and executed a forged settlement deed registered as Doc.No.7395 of 2004 in favour of First Accused/Mother of the Petitioner and thereafter, the same was rectified vide Registered Rectification Deed in Doc.No.8720 of 2015. Using the above said deed, the First Accused borrowed a sum of Rs.2.35 Crores from the De-facto Complainant. Further, the learned Government Advocate (Crl. Side) submits that there is another case of similar in nature against this Petitioner. Hence, he vehemently objects to grant Anticipatory Bail to the Petitioner.

5. Considering the facts and circumstances of the case, as the Petitioner is arrayed as A-7 and the subject matter is relating to forging of documents, Custodial interrogation is not necessary for the same. Further, considering the nature of offence of the Petitioner, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Alandur, on condition that the Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, on whom, one should be a blood relative of the Petitioner, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate-II, Alandur, may obtain a copy of their Aadhar card or Voter Identity card or Driving License or PAN card or Bank Pass Book with photo affixed and attested by the Bank Manager to ensure their identity;

(b) the Petitioner shall report before the respondent police daily at 10.00 a.m., for a period of one month. Thereafter as and when required.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;



(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 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.

-sd/-

16/06/2022

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.II, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.T.SAI KRISHNAN Advocate on payment of necessary charges SR.NO.9492

CRL OP.10640/2022

Date :16/06/2022

TA-23/06/2022