



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12713 of 2022

PAVALABALAN

[PETITIONER / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI.
(CRIME NO.127 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.BASKAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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 offence punishable under Section 120(b), r/w 420, 465, 467, 471 of IPC in Crime No.127 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and along with others had created an bogus document and availed loan to the tune of Rs.1.5 crores and cheated the de facto complainant. Hence the law enforcing agency registered the complaint against the petitioner.

3. The learned counsel appearing for the petitioner would submit that as per the confession statement of one Deepak, the petitioner's name is not mentioned in the F.I.R. He would further submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is arrayed as A4 in this case. He further submitted that the petitioner along with others had fabricated the forged documents and obtained loan. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, A1 borrowed loan from the de facto complainant to the tune of Rs.1.5 Crores by pledging the property belonging to A3. Now, the de facto complainant alleged that A1 borrowed loan by depositing forged documents. However, A3 was granted Anticipatory bail by this Court in Crl.O.P.No.52015 of 2021 dated 11.01.2022 on condition that the A3 shall deposit a sum of Rs,10,00,000/- to the credit of the Crime No.127 of 2021 within a period of two weeks. In so far the petitioner is concerned, he is brother of A1, he neither applicant of the loan nor executed any deed, while borrowing the loan. Therefore, the custodial interrogation of the petitioner is not required in this case. Hence, this Court is inclined to grant Anticipatory Bail to the petitioner with certain 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, CCB/CBCID, Chennai, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily morning at 10.30 a.m. and evening at 5.30 p.m. for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/06/2022

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 CCB & CBCID METROPOLITAN MAGISTRATE,
CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.BASKAR Advocate on payment of necessary charges
SR.No.9589

CRL OP.12713/2022

Date :17/06/2022

CSK 24/06/2022