



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25015 of 2021

M.M.Fahim

... Petitioner

Versus

The Inspector of Police,
XI Team, Central Crime Branch,
Vepery, Chennai.
(Crime No.127 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.127 of 2021 based on the false complaint given by the defacto complainant, on the file of the Inspector of Police, CCB - XI Team, Vepery, Chennai.

For Petitioner : Mr.N.R.Elango, Standing Counsel
for Mr.M.Manimaran

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

For Intervenor : Mr.R.Palanivelavan

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC in Crime No.127 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 28.10.2021, all of a sudden CCB Team XI has secured the petitioner for no reasons. The petitioner only by then, through the respondent police, he came to know that Mr.Velavan Deepak, the buyer of petitioner's property had availed a business loan and committed an offence. The said Mr.Velavan Deepak had given 2 other properties for collateral to get business loan. Hence, he was secured for enquiry. The petitioner was fully co-operated with the investigations and gave necessary documents of



above mentioned property. They also took statements. At the time of investigations all other relevant documents were verified by the respondent police. After satisfying the enquiry, the investigation officer asked the petitioner to leave and co-operate with the investigation. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is an innocent vendor, who sold the property to A1, but even after that the sale consideration was settled to him, he initiated the proceedings against the A1 for the cheques issued by him but same also dishonoured, hence he initiated proceedings under Section 138 of NI Act case in the year of 2019, so he has not given any fake documents, nor he involved with the A1 to obtain loan from the defacto complainant's bank. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that suppressed real ownership, he along with A1 fabricated and obtained loan. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submits that he also conspired along with A1 and A2, A1 obtained loan of Rs.1 Crore and at audit inspection it was found that they gave a fake document in which the petitioner also conspired by giving the fake patta knowingly well that he has not having title over the property and the same was mortgaged with bank and obtained loan.

6. Considering the facts and circumstances of the case, on seeing the fact, the loan is of the year 2018 by mortgaging the property, and subsequently bank found the documents are fake documents and the borrowers were already arrested, he is aged about 55 years, he is the vendor of the property, but admittedly he was not a guarantor nor borrower of mortgage, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Special CBCID and CCB Court, Egmore, 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 is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the Crime No.127 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders and co-operate for investigation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 anticipatory 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].

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

-sd/-
11/01/2022

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 CBCID AND
CCB COURT, EGMORE.

2 THE INSPECTOR OF POLICE,
XI TEAM, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.MANIMARAN Advocate on payment of necessary charges
SR.NO.568

CRL OP.25015/2021

Date :11/01/2022

JPA 25/01/2022