



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25651 of 2021

V.Vadivelan

... Petitioner / A3

Versus

State rep. by
Inspector of Police,
CCB, EDF-II, Team IV,
Vepery, Chennai.
(Crime No.15 of 2017)

... 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 his arrest in the Crime No.15 of 2017 pending on the file of the respondent police.

For Petitioner : Mr.V.Balasubramani

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420 and 120 B of IPC in Crime No.15 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused created fabricated documents in respect of the subject property and sold the same to the defacto complainant to the tune of Rs.1,00,00,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person he has not committed any offence as alleged by the prosecution. The petitioner is an Advocate and only acted as a Mediator to settle the issue between A1, A2 and the defacto complainant and that he has been falsely implicated in this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner on any condition.

4. The learned Additional Public Prosecutor appearing for the respondent objected stating that the petitioner himself admitted that he is involved in the alleged transaction held between the



defacto complainant and the other accused and that the accused persons created forged sale agreements and power of attorney documents and cheated the defacto complainant for a tune of Rs.1,00,00,000. Upon being questioned by the defacto complainant, they threatened him with dire consequences. But admits that A1 and A2 are husband and wife and that A1 was already arrested and subsequently, released on bail.

5. At this juncture, the learned Counsel for the petitioner further contended that the petitioner is only an advocate by profession and as an advocate he attempted to settle the issue between the defacto complainant and other accused and he has not played any role in creating the fabricated documents. Moreover, the sale agreement which was executed in his favour was already cancelled on 28.02.2014 and the said Cancellation of Agreement Deed is also enclosed in the typed set of papers. He would further submit that now A1 and A2 were arrested and remanded to judicial custody.

6. It is seen that the petitioner is an advocate by profession and hence, this Court is of the opinion that even if the petitioner is released on anticipatory bail, he would not abscond and he would co-operate for investigation.

7. Considering the above facts and circumstances of the case and also the fact that the Sale Agreement which was stood in the name of the petitioner has already been cancelled in the year 2014 and the same was also incorporated in the Encumbrance Certificate and that the petitioner is also agreed to co-operate for investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Additional Chief Metropolitan Magistrate, Egmore, 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 is directed to report before the respondent police on every Tuesday and Thursday at 10.30 a.m., until further orders;



[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 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];

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

9. With the above directions, the Criminal Original Petition is ordered accordingly.

-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 ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH EDF-II,
TEAM-IV, VEPERY, CHENNAI-600 007.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.BALASUBRAMANI Advocate on payment of necessary charges Sr.542

CRL OP.25651/2021

Date :11/01/2022

RVR 01/02/2022