



Crl.O.P.No13801 of 2024

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K.KUMARESH BABU, J.

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2. The case of the petitioner is that originally a complaint had been lodged by one P.R.Sowmiya stating that her late husband's property had been grabbed by one Kathirvelu by creating forged documents. Originally, the Inspector of Police, CCB, Chennai had registered a F.I.R. in Crime No.448 of 2015 which had also culminated into C.C.No.68 of 2022 on the file of the Special Court for CCB and CBCID Court, Egmore, Chennai. However, when a quash petition was filed by the said Kathirvelu before this Court, a claim was made by one G.Sowmiya to the very same property claiming to be the wife of the said late Gnanashanmugam. This Court finding that there are two disputing claims by two individuals claiming themselves to be the wife of late Gnanashanmugam and that they both have produced two different documents allegedly executed by said late Gnanashanmugam. By order dated 25.04.2023, had directed the ADGP, CBCID to form a Special Investigation Team to investigate the claim of both the individuals. Pursuant



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to the said direction given by this Court, Crime No.448 of 2015 on the file of the Inspector of Police CCB was transferred to the file of the respondent in Crime No.5 of 2023 and that they have carried out investigation.

3. He would submit that the petitioner had reasons to believe that the he is trying to be roped in as one of the accused on the impression that the petitioner in consonance with other accused had prepared certain forged documents with an intention to grab the property from the original accused/ Kathirvelu. He would submit that he had been infact approached by the original de-facto complainant P.R.Sowmiya to deal with the property and on learning that a suit is pending in respect of the property, the petitioner had refrained himself from proceeding with the matter and had advised the said de-facto complainant, that he would be extending his services only after the disposal of the said Suit. However, the respondent Police is trying to secure the petitioner and he would submit that the petitioner is an innocent person. Therefore, he would seek indulgence of this Court in granting Anticipatory Bail.



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4. Countering his arguments, Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing on behalf of the respondent would vehemently contended that the petitioner is the brain behind the entire scene of preparation of various documents under which the *de-facto* complainant had originally filed a complaint against Kathirvelu. He would submit that the custodial interrogation of the petitioner is very much necessary as he had played a vital role with the other accused in forging various documents to grab the property. He would also submit that the forged documents had also been placed before this Court to substantiate the right in the property, which also amounts to perjury. Therefore, he would seek dismissal of the bail petition. He would also submit that the investigation is in crucial stage and if the petitioner is enlarged on bail, it would be difficult for them to secure the petitioner as there is an apprehension that he may flee the Country.

5. In reply, Mr.Abudukumar Rajarathinam, learned Senior Counsel appearing on behalf of the petitioner would submit that he would abide by any stringent condition that has been imposed by this Court and that he is also ready to surrender his passport and will appear before the Investigating Officer for any interrogation.



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6. I have considered the rival submissions made by the learned counsels appearing for their respective parties and perused the materials available on record.

7. Dealing with the petitions of other co-accused, this Court considering the fact that the investigation was almost over and also of the fact that the documents that had been submitted by the respective accused have been sent for Forensic examination and Reports had also been received from the respective Forensic laboratories, had granted bail to the other accused/ petitioners in Crl.OP.No.13915,13913 of 2024 and I also do not find any impediment in granting Anticipatory Bail to the petitioner by placing stringent conditions against him including his presence for enquiry by the respondent Police for three (3) days. Hence, this Court is inclined to grant Anticipatory Bail to the petitioner with the following conditions

8. 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 is made ready, before the learned Special Metropolitan Magistrate,CCB/CBCID, Egmore



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Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties (out of which, one surety must be blood surety), 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] Petitioner shall surrender his passport before the respondent police at the time of executing surety.

[c] The petitioner shall report before the respondent police from 08.07.2024 to 10.07.2024 at 10.00 a.m. and make himself available till 5.00 p.m. for enquiry and thereafter once daily until further orders. An advocate on the side of the petitioner is also permitted to be present from seeing distance



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and not hearing distance.

[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 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;

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