



Crl.O.P.Nos.15248 & 15264 of 2024

Orders Reserved on
07.08.2024

Orders Pronounced on
29.08.2024

Crl.O.P.Nos.15248 & 15264 of 2024

RMT. TEEKAA RAMAN., J.

Since I have disposed of the earlier anticipatory bail petition, as per the directions of the Hon'ble Supreme Court, the subsequent anticipatory bail petitions are also posted before me, by administrative orders of My Lord The Hon'ble Chief Justice.

2. The petitioner in both the cases are one and the same and hence disposed of by this common order.

3. In Crl.OP No.15248 of 2024, the petitioner seeks anticipatory bail in respect of Crime No.17 of 2023 registered in Central Crime Branch, Avadi alleging that the petitioner herein has created a fake life certificate of one Sajitha Begum wife of the defacto complainant on the ground that on the date of the life certificate issued by Dr.K.K.Nath, the wife of the defacto complainant has not visited Chennai but she was staying at her Mandapam house in Ramanathapuram District.



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4. In Crl.OP No.15264 of 2024, the case of the defacto complainant is that case has been registered against the petitioner in Crime No.37 of 2023 for the alleged offences punishable under Sections 464, 465, 467, 468, 471, 406, 420, 506(i) r/w 34 of IPC.

5. The defacto complainant and the petitioner are relatives and there is money transactions between the parties. The petitioner who seeks pre-arrest bail has received a sum of Rs.42,80,000/- and subsequently another sum of Rs.43,94,700/-, in toto, Rs.86,74,700/-.

6. According to the defacto complainant, the above said amount has not been re-paid by the petitioner. According to the petitioner/accused, he has repaid the amount. Transaction list-1 was enclosed in the petition to the extent of Rs.42,80,000/- and transaction list – 2 is amount received by way of RTGS and cash by the accused. Another accounts statement was also furnished containing the transactions from the petitioner's account to defacto complainant's account. According to the petitioner counsel, repayment has been made by the petitioner to the extent of Rs.1,16,48,000/- out of total borrowed amount of Rs.86,74,700/- received by the defacto complainant.



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Hence, the only balance required to be paid and certain debt deeds dated 24.10.2007 were executed for a sum of Rs.86,74,700/-.

7. According to the learned counsel for the petitioner, it is intended only for income tax purpose and further draw my attention to the allegation in Para 6 of the complaint that the defacto complainant has already received blank Rs.100 non-judicial stamp paper for the purpose of security. It is only a money transaction between the parties. The defacto complainant appears to have filed following complaints.

<i>Srl.No.</i>	<i>Name of Police Station</i>	<i>Date of Summon</i>	<i>Stage</i>
1	DCB Ramanthapuram	C.No.G3/019442/31 52/2022 Dated 28.09.2022	Complaint was closed as civil nature
2	The Joint Commissioner, West Zone, Chennai	The petitioner was called for enquiry by Asst. Commissioner, Anna Nagar	-
3	The Inspector of Police, Pattabiram	Summon dated 08.12.2022	Closed as civil nature
4	CCB, Tambaram City	Summon dated 03.01.2023	Crime No.37 of 2023
5	CCB, Avadi	-	Crime No.17 of 2023



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8. There is also several civil suits pending, viz. O.S.No.7179 of 2022 before XIX Asst. Judge, City Civil Court, Chennai for mandatory injunction directing the defacto complainant to return the alleged three deeds dated 24.10.2021 executed by the petitioner and there is another suit in O.S.No.354 of 2022. The earlier anticipatory bail application was dismissed by me on 10.08.2023. Another bail application was dismissed for non-prosecution on 31.10.2023. Now, the learned counsel for the petitioner would contend that in view of the criminal case pending, the petitioner was unable to attend the civil suits which resulted in dismissal for non-prosecution and he would submit that the petitioner herein and the defacto complainant are close relatives.

9. The Investigating Officer has filed counter through the learned Public Prosecutor stating that the matter is under investigation and for the summons issued by the police, the accused has not appeared. The earlier bail application was dismissed by this Court.

10. Heard the learned counsel for the de-facto complainant/intervenor.



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11. The respondent Police registered a case in crime No.17 of 2023 for the alleged offences punishable under Sections 406, 420, 464 and 465 of I.P.C.

(a) The sum and substance of this case is that the de-facto complainant's wife is the owner of the property and gave a Power of Attorney to the petitioner herein and the petitioner had created a fake life certificate of the Sajitha Begum (de-facto complainant's wife) and sold the property in favour of one Murugan and Nirmala in the year 2017 and not repaid the sale consideration to de-facto complainant's wife, however created a fabricated receipt. In respect of the alleged creation of fake life certificate, a case in Crime No.17 of 2023 was registered by the respondent Police and hence Crl.O.P.No.15248 of 2024 has been filed by the petitioner seeking pre-arrest bail.

(b) In Crl.O.P.No.15264 of 2024, the respondent Police registered a case against the petitioner in Crime No.37 of 2023 for the alleged offences punishable under Sections 464, 465, 467, 468, 417, 406, 420 and 506(i) r/w 34 of I.P.C., alleging that after receipt of the Power of Attorney in his name,



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the petitioner sold the property in the year 2017, however not paid the sale consideration to the principle, rather created a fabricated receipt and hence, the petitioner-accused seeks anticipatory bail in Crime No.37 of 2023.

12. (a) On perusal of the complaint, I find that it is not a case of whether the life certificate was issued for a dead person however the life certificate was issued by the doctor who is now no more. However, the defacto complainant-husband of the land owner would state that his wife never visited Chennai on that particular day and denied her signature and would further allege that on the date of the alleged life certificate, she was at Mandapam House at Ramanathapuram.

12 (b) Perused the typed set of papers.

13.The General Power of Attorney executed by the defacto complainant / wife in favour of the petitioner herein is dated 19.08.2015 vide Doc.No.10499 of 2015. Based upon the General Power of Attorney, the petitioner herein, as agent of the wife of the defacto complainant Sajitha Begum has sold the property in favour of one Murugan on 29.11.2017 for a sale consideration of Rs.7,26,000/- . The second property was sold to one



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Nirmal on 14.12.2007 for a sale consideration of Rs.7,26,000/- . Now, the petitioner who is the husband of the principle of de-facto complainant herein gave a complaint on 04.04.2023 that the sale consideration amount for the land sold in the year 2017 in the month of November 2017 and December 2017 was not given by the petitioner.

14 (a) Memo of calculation was filed by the petitioner. It appears that there are lot of money transactions between the parties. Sale is of the year 2017. Complaint is of the year 2023. Both the complaints are in the nature that the wife of the defacto complaint has not visited Chennai on the date of issuance of life certificate, now alleged to be a fake certificate and non-payment of sale consideration by the agent to the principle.

14 (b) There are various sale transactions between the parties through RTGS and also by cash. Hence, taking note of the fact that civil suits on the very same cause of action have also been filed for recovery of money and the suit was dismissed for default for non-appearance of the petitioner as the police is on the lock out, I am inclined to grant pre-arrest bail to the petitioner in Crl.O.P.No.15248 and 15264 of 2024..



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15. 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 No.I, Poonamallee (in Crl.OP No.15248 of 2024) and learned Judicial Magistrate No.I, Tambaram (in Crl.OP No.15264 of 2024)** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** in each bail petitions, 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 petitions 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 deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) in each of the petitions to the credit of Crime Numbers before the concerned Judicial Magistrate.



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[c] the petitioner shall report before the respondent police everyday Wednesday and Sunday at 10.30 a.m., until further orders;

[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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RMT. TEEKAA RAMAN., J.

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Common Order in
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