



Crl. O.P. No.16679 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused-2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 120-B, 420, 465, 467, 468 and 471 of IPC in connection with the Cr. No.160 of 2023 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and one Elango are the owners of the land situated at Block No.55, New S. No.287, Old S. No.170/2 measuring an extent of 61 cents situated at Tiruvanmiyur Village, Velachery Taluk, Chennai and the said property had been purchased by them from one Selvaradjalou Chetty Trust. Dr. H.B.N. Shetty, I.A.S. and Dr. H.B.N. Shetty, the executors of the Will dated 30.09.1975 of Late Padmini Chandrasekharan and N. Vinayagamorthy, the beneficiary of the Will. The said Will dated 30.09.1975 had also been probated vide order dated 28.10.1995. It was found that the accused had forged the Will and using the forged Will to execute a Settlement Deed in favour of his wife and had also further altered the revenue records pertaining to the above said property. Hence the case.

3.The learned counsel appearing for the petitioner would submit that



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based on the forged Will alleged to have been created by the petitioner's

husband, they had registered a settlement deed in her favour and thereby,

both of them conspired together to grab the property of the defacto

complainant and committed the offences. In fact, a false case has been

foisted against the petitioner. The petitioner is the close relative of one

Padmini Chandrasekharan. Initially she executed a registered Will dated

30.09.1975 by creating a Trust with certain charitable activities performed

by the Trustee. Since, the Trustees are not co-operating, she had cancelled

previous Will dated 30.09.1975 and executed a fresh Will dated

20.05.1980 in favour of the petitioner. Suppressing the same, the vendors

of the defacto complainant had obtained probate. Thereafter, the husband

of the said Padmini Chandrasekharan filed a petition for revocation and

the matter went up to Hon'ble Supreme Court and Mr. R. Krishnamurthy

agreed to allow appeal filed by the husband of Padmini Chandrasekhar as

such probate granted in favour of R.Krishnamurthy in O.P. No.117 of 1981

has been revoked. Suppressing the above said facts, the vendors of the

defacto complainant obtained probate. Even according to the prosecution

case, the alleged offences are borne out of records and thereby custodial

interrogation is not necessary in this case. This petitioner has not

committed any offence as alleged in the FIR and the co-accused was also



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released on bail by this Court and therefore, he prays to grant anticipatory

bail to the petitioner.

4. The learned counsel appearing for the defacto complainant would submit that this petitioner is the beneficiary of the Will and this petitioner along with other accused have forged the Will and the same was produced before this Court for probation and the probation was also dismissed. Already the husband of the petitioner was granted anticipatory bail by this Court on condition to deposit the original Will and also to produce the correct address of the attestors of the alleged Will to the investigating agency, but the above said conditions have not been complied by the husband of the petitioner. Thereby, the defacto complainant filed a petition to cancel the anticipatory bail to the husband of the petitioner and the same is also pending. This petitioner along with others have committed serious offences. Therefore, he prays to dismiss the anticipatory bail petition.

5. The learned Government Advocate appearing for the respondent police would submit that the petitioner along with others have forged the Will dated 20.05.1980 and this petitioner is a beneficiary of the above said



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Will and thereby, a complaint was lodged by the defacto complainant. The case is under investigation and hence he strongly opposed to grant anticipatory bail to the petitioner.

6. Considering the rival submissions made by either side, considering the fact that this petitioner is not a signatory to the Will and he is only a beneficiary of the Will and no previous case is pending against this petitioner and already this Court granted anticipatory bail to the co-accused and thereafter, cancellation of bail application also pending before this Court and even according to the prosecution, the alleged offences are borne out of the records, thereby no chance for tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Metropolitan Magistrate for exclusive trial of CCB cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai-8** 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



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satisfaction of the learned Magistrate concerned and on further condition
that:

**[a] the petitioner shall report before the respondent police daily
at 10.00 a.m. until further orders;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioners 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



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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 269 B.N.S.2023.

21.10.2024
[1/2]

mjs

To

1. The Metropolitan Magistrate for exclusive trial of CCB cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Central Crime Branch, Fake Document Investigation Wing, Beta-10, Vepery, Chennai-600 007.

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