



Crl.O.P.No.16856 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 468 and 120B IPC and subsequently, altered into Sections 379, 420, 465, 467, 468, 471 and 120B IPC, in Crime No.172 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has committed forgery by stating that stolen the blank cheque leaf from the possession of the defacto complainant and also forged the signature of the defacto complainant. When it was presented for collection, the same was returned with an endorsement "Payment stopped by the Drawer". Hence the case.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant borrowed loan of Rs.1.5 crores from the petitioner, for which, the defacto complainant had issued a cheque on 06.09.2019 and



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when it was presented for collection, it was dishonoured. Against which, he preferred C.C.No.3356 of 2020 before the Fast Track Court No.1, Metropolitan Magistrate, Allikulam and the same is pending at the evidence stage. However, the defacto complainant gave the present false complaint against the petitioner that he committed forgery. He further submits that the petitioner is aged about 63 years, he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor raised objection stating that the defacto complainant is doing construction business and for his business purpose, he availed loan of Rs.1.5 crores from the petitioner. Since the petitioner demanded exorbitant interest, the defacto complainant settled the properties stands in his name and in the name of his wife as collateral security which is worth about Rs.3 crores in the year 2010. Now, the property is worth about Rs.10 crores. He again disclosed the cheque bearing No.00200 belongs to HDFC Bank, Kotturpuram Branch and fraudulently filled up the cheque, presented for collection. As on date, he is liable to pay a sum of Rs.5 crores.



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He further submits that the petitioner by claiming exorbitant rate of interest, all these properties were grabbed and now committed forgery. Therefore, the present complaint is lodged.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that for the same cheque bearing No.000200 already the complaint has been lodged by the defacto complainant under Section 138 of N.I. Act against him and the same is still pending. At this stage, challenging the validity of the cheque, he gave the second complaint dated 07.02.2023.

6. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. On perusal of the same, it is clear that 138 proceedings initiated by the petitioner against the defacto complainant is now at the stage of evidence before the trial Court. The petitioner is aged about 64 years and the alleged



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cheque is of the year 2019. So, the cheque was sent for Forensic Lab for comparison of signature and it was reported that the signature was forged but it is the matter for trial. According to the prosecution, as on date, the cheque bearing No.000200 is under dispute and 138 proceedings pending before the FTC-1, Metropolitan Magistrate, Allikulam. So, there is no possibility of tampering evidence at this stage. Furthermore, the validity, velocity and genuinity of the cheque is the subject matter of trial. Accordingly, liberty is granted to the defacto complainant to raise all his defence before the Trial Court.

8. The learned counsel for the intervenor also submits that the petitioner is not appearing before the Trial Court for conducting 138 proceedings.

9. Now the learned counsel for the petitioner undertakes that the petitioner is ready to co-operate with investigation and trial proceedings before the Trial Court.

10. In the circumstances, the Trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this



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order.

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11. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a condition that both **the petitioner and the defacto complainant are directed to co-operate with the trial proceedings.**

12. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Metropolitan Magistrate for CCB & CBCID Cases, 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, **[out of which, one surety must be a blood related one]** 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., for another period of four months and thereafter, as and when required for interrogation;

[c] the petitioner shall appear before the Trial Court on the next hearing date;

[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 has been imposed and the petitioner is 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]*; and;

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

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