



WEB COPY



Crl.O.P.No.22987 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22987 of 2024

S.Vijayalakshmi ...Petitioner/Intervenor/De-facto complainant

Vs.

1. State of Tamil Nadu
Rep. the Inspector of Police, LFIW-II, Team-25
Chennai Crime Branch,
Vepery, Chennai -7
Cr.No. 91 of 2024

... Respondent/Respondent/Complainant

2. Satheesh

... Respondent/Petitioner/Accused No.5

PRAYER: Criminal Original Petition filed under Section 483(B) of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to cancel the anticipatory bail granted to the second respondent/accused No.5 in the above Crl.M.P.No. 15010 of 2024 in Crime No. 91 of 2024 on the file of the first respondent by the order dated 07.06.2024 passed by Hon'ble Principal Sessions Judge, Chennai.



Crl.O.P.No.22987 of 2024

For Petitioner : Mr. Suchit Anant Palande
For 1st Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)
For 2nd Respondent : Mr.V.J.Arulraj

ORDER

The petition has been filed seeking to cancel the anticipatory bail granted to the second respondent/accused No.5 in Crl.M.P.No. 15010 of 2024 in Crime No. 91 of 2024 on the file of the first respondent by an order dated 07.06.2024 passed by the learned Principal Sessions Judge, Chennai.

2. The learned counsel for the petitioner would submit he petitioner is the defacto complainant in this case and he lodged the complaint as against the accused and FIR in Cr.No. 91 of 2024 has been registered. The second respondent moved anticipatory bail before the Sessions Court, Chennai and the anticipatory bail was granted. In fact, the petitioner purchased the property in the year 1990 and that right from the date of purchase of the property till date, the petitioner is in absolute



CrI.O.P.No.22987 of 2024

possession and enjoyment of the property and the original documents including the parent documents pertaining to the property are in her possession. The learned Principal Special Judge, while granting anticipatory bail, has not considered the arguments of the petitioner and accepted the contention of the accused, had granted anticipatory bail to the accused No.5/second respondent. He further stated that the documents in possession of Canara Bank are not original and they are only fake and forged one. He would further submit that the custodial interrogation of the accused is absolute necessary in this case. Hence, this Petition.

3. The learned counsel for second respondent would submit that the second respondent has been arrayed as A-5 and he is one of the partners of Power Concrete Company and the partnership firm had obtained loan from canara Bank by mortgaging the disputed property and the original title deeds are with the Canara Bank. He would further submit that the learned Principal Sessions Court, after perusing all the records available, had granted anticipatory bail to the second respondent/A-5.



Crl.O.P.No.22987 of 2024

WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that this accused has not complied with the condition imposed in the bail order.

5. Heard both sides and also perused the order of the learned Principal Sessions Court.

6. On perusal of the records it is seen that the second respondent is only the purchaser of the property and he availed loan from the bank. Based on the available records, the learned Principal Sessions Judge has granted anticipatory bail to the second respondent and at that time, the learned Principal Sessions Court recorded in the order that the petitioner is in custody of all the documents. According to the petitioner, the original documents are with him and the documents produced before the Canara Bank are fabricated documents. The main contention of the petitioner is that the Sessions Court in the order observed that the original documents are with the accused and he produced the same to the



Crl.O.P.No.22987 of 2024

WEB COPY

Bank, so the observation is not correct and the original documents are with the petitioner. But the learned Sessions Judge has not granted anticipatory bail to the second respondent only based on the sole ground of original documents are not with the defacto complainant. Hence, the learned Principal Sessions Judge has passed a reasoned and detailed order thereby this Court is not inclined to cancel the anticipatory bail granted to the second respondent/Accused No.5. Accordingly, this Criminal Original Petition stands dismissed.

23.10.2024

vsg



WEB COPY



Crl.O.P.No.22987 of 2024

P.DHANABAL, J.

vsg

Crl.O.P.No.22987 of 2024

23.10.2024