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CrI.O.P.No.2376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2376 of 2025

Senthil Kumar

Petitioner(s)

Vs

State rep. By
Inspector of Police
CCB-1,
Chennai CCB
(Crime No. 33 of 2017)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 33 of 2017 pending investigation on the file of the respondent police.

For Petitioner : Mr.Karuppaiya Moopanar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 468, 471, 420 r/w 120(b) of I.P.C. in Crime No.33 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the property measuring an extent of 5000 sq.ft. originally belonged to one Krishnan; that he died leaving behind his wife one Chellammal as the only legal heir; that after her death, the petitioner's friend A1 had created fake adoption deed said to have been executed by the said Krishnan making it appear that he is the adopted son; that thereafter, he transferred the Patta; transferred the electricity connection in his name; that he is paying property tax; that the defacto complainant is the agreement holder, who had entered into sale agreement with the 2 heirs of the said Krishnan (brother's children). Hence, this case.

3. The learned counsel appearing for the petitioner submitted that even



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according to prosecution, as a friend of A1, he is not beneficiary to the transaction; that he is sought to be implicated only on the confession of A1 stating that he had also helped A1 in creating fake document and that his custodial interrogation is not required. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) reiterated the case of prosecution and on instructions submitted that the petitioner has been implicated by A1 on his confession; that as per his contention, the petitioner was also involved in creating fake document. Hence, he prayed to dismiss this petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record.

6. Considering the aforesaid facts, the nature of allegation, the fact that the petitioner is not direct beneficiary to the alleged transaction and is sought to be implicated on the confession of A1 and in any case, his custodial



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interrogation is not required for the purpose of investigation, this Court is

inclined to grant anticipatory bail to the petitioner with certain conditions.

Accordingly, he 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 of receipt of a copy of this order, before the learned **CCB/CBCID Metropolitan Magistrate, 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 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 said Magistrate, 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 report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

10.02.2025

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To

1. CCB/CBCID Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector Of Police, CCB-1, Chennai.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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