



CRL O.P. No.4312 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 26.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4312 of 2025

S.Muthu

... Petitioner / Accused

Vs

State represented by,
The Inspector of Police,
Central Crime Branch,
CCB-I, Chennai
(Crime No. 129 of 2024)

....Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused, in Crime No.129 of 2024 on the file of the respondent police.

For Petitioner : Mrs.A.L.Gandhimathi,
Senior Counsel
for Mr.L.Palanimuthu

For Respondent : Mr.S.Santhosh,
Government Advocate
(Criminal Side)



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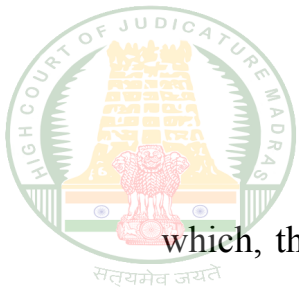
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ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 120B, 34, 419, 420, 447, 465, 467, 468 and 471 of the Indian Penal Code, 1860, in connection with the case in Crime No.129 of 2024, seeks anticipatory bail.

2(a). It is the case of the prosecution that the de-facto complainant purchased a plot of land measuring 2016 sq.ft by a Sale Deed bearing Reg. No.1893 of 1996; that she is in possession of the original title deeds; that on 13.03.2024, she came to know that certain persons had illegally trespassed into the property; that on verification, she came to know that by impersonating her, a Power of Attorney dated: 05.05.2017 was executed by one Mrs.Parameshwari in favour of one Mr.Anandan; that Mr.Anandan, executed a Sale Deed in favour of Mr.Saravanan, and thus committed the aforesaid offences.

(b). It is further the case of the prosecution that on the investigation, it was revealed that Mr.Anandan obtained a loan from the State Bank of India, for



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which, the said Mr.Saravanan mortgaged the property and stood as guarantor;

and that thereafter, an amount of Rs.41,00,000/- (Rupees Forty One Lakhs)

was transferred to the account of the petitioner. Hence, the case.

3. Learned Senior Counsel for the petitioner would submit that the allegations are false; that the petitioner was not named in the FIR; that he was not aware of any alleged impersonation, committed by the other accused and the loan obtained by them; that since the money was due to the petitioner, it was transferred to his account and submitted that in any case, the allegations are borne out by records and the custodial interrogation of the petitioner is not required and sought anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent, reiterated the prosecution case and submitted that the amount of Rs.41,00,000/- (Rupees Forty-One Lakhs) was transferred to the account of the petitioner and that A1 and A2 are arrested and still in custody.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the



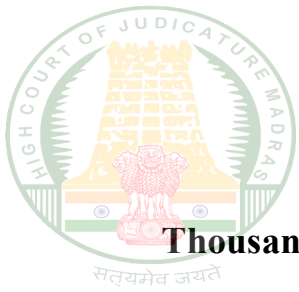
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materials available on record.

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6. It is not the case of the prosecution that the petitioner has committed impersonation. The petitioner is sought to be made an accused only because a sum of Rs.41,00,000/- was transferred to his account by the accused. It is for the respondent to ascertain if the said money was transferred, pursuant to a conspiracy or if there were other transactions between the accused and the petitioner. Considering the nature of the allegations, this Court is of the view that since the allegations are borne out by records, the custodial interrogation of the petitioner is not required for the purpose of the investigation and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 of receipt of a copy of this order, before the learned **CCB and CBCID Metropolitan Magistrate Court, in Egmore, Chennai- 600 008**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



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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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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.

[c] the petitioner shall report before the respondent police everyday 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.



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SUNDER MOHAN. J.,

drl/dk

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