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Cr1.O.P.No.5057 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.5057 of 2025

Mohammed Kasim ... Petitioner
Vs.

State, Rep. by Inspector of Police
D-4, Zam Bazaar Police Station,
Triplicane, Chennai – 600 005.
(Crime No.21 of 2024) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.21 of 2024, on the file of the respondent Police.

For Petitioner : Mr.Rajesh Krishnan R
For Respondent : Mr.S.Santhosh
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 463, 464 and 465 of IPC in Crime No.21 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had forged the



signature of the defacto complainant and his wife in the rental agreement dated

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02.08.2019 and thereby he is in illegal occupation of the medical shop as a tenant of the defacto complainant and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner has filed a suit in O.S.No.3587 of 2022 on the file of the City Civil Court at Chennai, seeking a permanent injunction against the defacto complainant and his wife and in the said suit, he had referred to the said rental agreement and that the suit is pending trial; that the earlier complaint given by the defacto complainant on 13.10.2022 was closed as 'mistake of fact'; that the defacto complainant had filed a petition under Section 156(3) before the learned II Metropolitan Magistrate, Egmore, Chennai and the same was dismissed; and that thereafter, the defacto complainant filed another complaint and got the FIR registered and thus, the allegations being civil in nature, the custodial interrogation of the petitioner is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



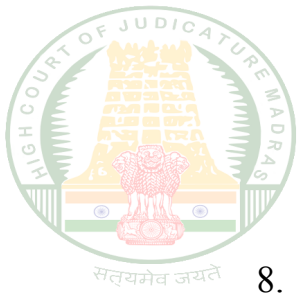
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respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and fairly submitted that the earlier complaint given by the defacto complainant was closed as 'mistake of fact' and that the defacto complainant had also filed a civil suit in O.S.No.2364 of 2024, which is pending on the file of the XVIII Additional City Civil Court, Chennai.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) appearing for the respondent police and perused the materials available on record.

6. On perusal of the FIR and the documents filed on behalf of the petitioner, it is seen that the petitioner has filed a suit in which he has referred to the lease agreement entered into between him and the defacto complainant on 02.08.2019. The earlier complaint admittedly was closed as 'mistake of fact'.

7. Considering the aforesaid facts and the nature of allegations against the petitioner, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation, and is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. 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 on which the order copy made ready, before **the learned XIII Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 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 as and when required for interrogation.

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

03.03.2025

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SUNDER MOHAN, J.

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To
1.The XIII Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police
D-4, Zam Bazaar Police Station,
Triplicane, Chennai – 600 005.

3.The Public Prosecutor,
High Court of Madras.

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