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CrI.O.P.No.5703 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5703 of 2025

A.Maria Joseph

... Petitioner / Accused-1

Vs

The State Represented by,
The Sub Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
[Crime No.854 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-2 in Crime No.854 of 2024 on the file of the respondent police.

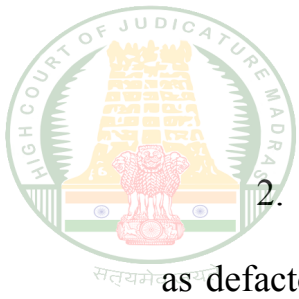
For Petitioner : Mr. Asai Thambi P

For Respondent : Mr. S.Santhosh

Government Advocate (CrI.Side)

ORDER

The petitioner / Accused-1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420, 467, 468 and 120B of Indian Penal Code, in connection with the case in Crime No.854 of 2024, seeks anticipatory bail.



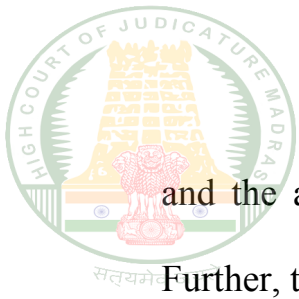
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2. The case of the prosecution is that the petitioner/A1 by impersonating as defacto complainant's mother had executed the sale deed bearing document No.1228 of 2010 dated 31.03.2010, in favour of A2 in the year 2010, and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner has not impersonated the defacto complainant's mother; that he had executed the sale deed only in respect of his wife's share and in fact he had filed a suit against A2 seeking for a declaration that the sale deed is null and void and that the said suit is still pending; that the petitioner is aged 74 years; that this Court had granted anticipatory bail to A2 vide order dated 26.02.2025 in CrI.OP.No.3250 of 2025; and that in any case custodial interrogation is not required and prayed for grant of anticipatory bail.

4. The learned Government Advocate (CrI.Side) reiterated the prosecution case and submitted that the case is pending.

5. The sale deed was executed by this petitioner in favour of A2 in the year 2010. The petitioner has filed a suit in OS.7538 of 2022 on the file of I Assistant City Civil Court, Chennai against A2 for a declaration that the sale deed executed in the year 2010 is null and void. The petitioner is aged 74 years



and the allegations are borne out by records and it relates to the year 2010.

Further, the co accused/A2 has been granted anticipatory bail by this Court.

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6. Considering the above said facts, 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 on the following 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 **X 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 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.

[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.

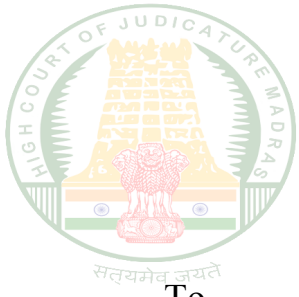
[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate 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 B.N.S.

03.03.2025

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SUNDER MOHAN, J.
ars

To

1. The Sub Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

2. The X Metropolitan Magistrate, Egmore, Chennai.

3. The Public Prosecutor,
High Court, Madras.

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