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Crl.O.P. No.9761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.9761 of 2025

Jeyalakshmi

... Petitioner/ Accused No.2

Vs.

The State Rep. By,
The Inspector of Police,
CCB-1 Police Station,
Chennai - CCB, Chennai.
(Crime No.199 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.199 of 2024, pending investigation on the file of the respondent.

For Petitioner : Mr. S. Senthilvel

For Respondent : M/s. J. R. Archana
Government Advocate (Crl. Side)



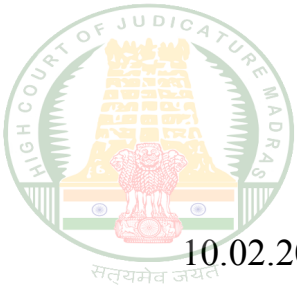
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ORDER

Petition seeking bail in respect of Crime No.199 of 2024 registered for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of IPC, is on board for consideration.

2. The case of the prosecution is that the defacto complainant had purchased a land measuring 2400 square feet in Survey No.117 situated at Madipakkam Village, Sholinganallur Taluk, Chennai in the year 2001 by way of a registered sale deed, vide Document No.3210 of 2001 dated 23.08.2001 on the file of SRO, Velacherry; that on 10.07.2024, the defacto complainant came to know from his neighbor that the bank officials from the State Bank of India had pasted a Demand Notice under Section 13(2) of the SARFAESI Act; that upon enquiry made with the said Bank, the defacto complainant came to know that his property was mortgaged by the petitioner and the other accused/ A1; that on further verification, it is found that one Srinivasan/ A4 by way of a forged family settlement executed a settlement deed, vide Document No.195 of 2020 dated 10.01.2020 on the file of SRO, Velachery in his favour; that thereafter, A4 executed a sale deed, vide Document No.852 of 2020 dated



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10.02.2020 on the file SRO Velachery in favour of A1; that thereafter, A1 and the petitioner/A2, who signed as a guarantor claiming as if she is the wife of A1, mortgaged the said property and obtained a loan to the tune of Rs.2,75,00,000/- from the State Bank of India. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, she has been falsely implicated in this case; that the first accused has been detained under Tamil Nadu Act 14 of 1982; that the petitioner is no way connected with the allegation nor involved in the offence committed by A1, that the petitioner has been arrested and remanded to judicial custody on 13.03.2025; that the case is borne out by records and in any case further custody of the petitioner is not required; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioner.

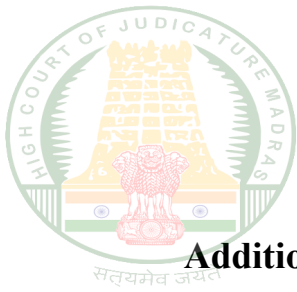
4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instructions submitted that there are totally seven accused in this case and the petitioner is ranked as A2;



that certain deeds were forged, thereby A4 executed a family settlement deed of the defacto complainant's property in his favour, in turn executed a sale deed in favour of A1; that thereafter, A1 along with the petitioner, who impersonated as if she is the wife of A1, signed the guarantor form and mortgaged the said property for obtaining loan from the bank; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents, the allegation is borne out by records, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned**



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Additional CCB & CB CID Metropolitan Magistrate, Egmore, Chennai

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and on further conditions that:

[a] 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]***;



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SUNDER MOHAN, J.

stn

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

02.04.2025

stn

To

1. The Additional CCB & CB CID Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
CCB-1 Police Station,
Chennai - CCB, Chennai.
(Crime No.199 of 2024)
3. The Superintendent,
Special Prison for Women,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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