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CrI.O.P.No.15114 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15114 of 2025

Kathiravan

... Petitioner/Accused 1

Versus

The State Rep by its
The Assistant Commissioner of Police,
Central Crime Branch,
Forgery Document Investigation Wing,
Vepery, Chennai.
(Crime No. 26 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in Crime No.26 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.03.2025, seeking bail in Crime



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No.26 of 2025 registered for the offence under Sections 406, 420 of IPC.

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2. The case of the prosecution is that the defacto complainant had rented a car to the petitioner/A1; that neither the rent was paid nor the car was returned; that the petitioner in-turn rented the same car at a higher rate to A2; that thereafter, A2 sold the car to A3, A3 sold it to A4 and A4 sold it to A5; that A5 sold the car as scrap. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and that the petitioner has only entrusted the Car to A2. He would further submit that the petitioner is in custody from 24.03.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail, reiterated the prosecution case and submitted that the defacto complainant had entrusted the Car to the petitioner and the petitioner in-turn created forged documents and the signature of the defacto complainant and sold the Car to A2.



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At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.1,00,000/- to the credit of crime number. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the voluntary submission made by the petitioner, the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of **Crime No.26 of 2025** before the *learned Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID Metro cases, Egmore, Chennai*, without prejudice to the right of the defence before the Trial Court and **the Trial Court shall re-deposit the same with interest bearing Fixed Deposit**. On such deposit and production of proof, the petitioner is ordered to be released on bail on his executing 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 *learned Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID Metro cases, Egmore, Chennai*, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one month and thereafter, as and when required for further interrogation;

[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply, to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)13 SCC 283];

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

14.05.2025

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Note:

1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.

To

1. The Assistant Commissioner of Police,
Central Crime Branch,
Forgery Document Investigation Wing, Vepery, Chennai.
2. The Metropolitan Magistrate for Exclusive Trial of CCB cases
and CBCID Metro cases, Egmore, Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.



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