IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CRL OP NO. 30390 of 2024

RAJESH
Son Of Thomas, 3-b, Annai Therasa Streetm,
Kanathur Reddy Kuppam, Kancheepuram - 603
112.

Petitioner(s)

Vs

State Rep By
The Inspector Of Police, T-17, Perumbakkam
Police Station, Chennai. Crime No.207 Of 2024

Respondent(s)

For Petitioner(s):
S.Ruben
V.Ramamurthy
E.Allwyn Stelzer
V.Saranraj

For Respondent(s):
Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406, 420, 468, 471 of IPC in Crime No. 207 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant has

approached A1 to purchase some properties, the properties were under mortgage with Indian Bank and thereby, A1 and A2 and the de-facto complainant met with the Branch Manager of Indian Bank who confirmed the mortgage. Thereafter, the sale consideration was fixed at Rs.1,68,00,000/-. The de-facto complainant has been paid Rs.1,09.08,113/- to Indian Bank to clear the mortgage and agreed to pay the remaining balance sale consideration of Rs.56,81,887/-. On 21.03.2024, the de-facto complainant along with accused and the Bank Manager went to the Sub Registrar Office to register the sale deed. At that time, the Sub Registrar informed that the documents produced by the petitioners were bogus. Immediately, when the same was questioned to the Bank Manager and the accused by the de-facto complainant, the accused persons were run away. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that this is the third anticipatory bail application and that the earlier anticipatory bail application in Crl.O.P.No.17967 of 2024 & 25938 of 2024 were dismissed by this Court on 30.07.2024 & 07.11.2024 respectively. He further submitted that at the request of A1, he went to the registration office and signed as a witness on the document without knowing the other particulars of the alleged transaction. Furthermore, as per the case of the prosecution, A1 and A2 alone received more than Rs. 10,90,00,000/- from the defacto complainant through RTGS as sale consideration. Later, upon realizing that the property did not belong to A1, the FIR was registered. He further submitted that co-accused have granted bail before this court, therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner stating that the Petitioner is ranked as A4. The petitioner along with other accused and the officials of the Indian Bank had forged the documents of the property of the de-facto complainant and cheated the de-facto complainant to the tune of Rs.1,09.08,113/- to grab the property of the de-facto complainant. He further submitted that totally four accused were involved in this case and all other accused colluded with bank officials and conspired and forged the documents of the property to register the sale deed.

As per the FIR, it is seen that the petitioner herein has actively participated in the crime. The specific overt act alleged against the Petitioner is that he accompanied A1 and signed as a witness on the document, which was not even registered.

5. Taking into consideration the facts and submissions made by both side counsels, and the co accused persons including A1 have granted bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.207 of 2024** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate - II, Alandur,*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, out of which one surety must be a blood related surety, 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 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 Court concerned 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 on every alternative days at 10.30 a.m., for a period of four months;**

[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 has been imposed and the petitioner is 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];*** and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

06.02.2025

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T.V.THAMILSELVI, J.

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To
1. State Rep By
The Inspector Of Police, T-17, Perumbakkam Police Station, Chennai.
Crime No.207 Of 2024

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