



WEB COPY



Crl.O.P.No.31728 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.31728 of 2024

1.V.Shanmugam

2.Smt.S.Shoba

...Petitioners/Accused 1 and 2

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch – I,
EDF-III, BETA – 7,
Vepery, Chennai – 600 007.
(Cr.No.217/2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/Accused Nos.1 and 2, on bail in the event of their arrest by the respondent police herein concerned in Crime No.217 of 2024 on the file of Inspector of Police, Central Crime Branch – I, EDF – III, BETA-7, Vepery, Chennai – 600 007.

For Petitioners : Mr.Saravanan G.

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

For Intervenor : Mr.K.Raghuraman



Crl.O.P.No.31728 of 2024

WEB COPY

ORDER

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 r/w 34 of the Indian Penal Code, 1860, in Crime No.217 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had borrowed a total sum of Rs.82,00,000/- from the grand father of the *de-facto* complainant; that the first petitioner had deposited the title deeds in the name of A2 to secure the loan with the grand-father of the *de-facto* complainant; and that without repaying the loan, the petitioners had obtained a Non Traceable Certificate, with regard to the title documents and sold the property to third parties to cheat the *de-facto* complainant. Hence, the case.

3. The learned counsel for the petitioners/A1 and A2, submitted that considering the nature of the allegations against A1, he is withdrawing the petition insofar as the first petitioner is concerned; that as regards the second petitioner being a lady though she is the owner of the property, she was not aware



Crl.O.P.No.31728 of 2024

of the transactions; and that in any case, her custodial interrogation is not required for the purpose of the case and sought for the anticipatory bail.

4. The learned counsel for the *de-facto* complainant submitted that A1 borrowed a sum of Rs.82,00,000/- from the *de-facto* complainant's grand father and had also deposited the title deeds of A2 and reiterated the averments in the FIR and the prosecution case.

5. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. The allegation primarily is against A1, who had borrowed a sum of Rs.82,00,000/- from the *de-facto* complainant's grand father and considering the nature of offence, the petition is dismissed insofar as the first petitioner/A1 is concerned.

7. The second petitioner is a house wife. Considering the nature of allegations against her, this Court is of the view that the custodial interrogation



Crl.O.P.No.31728 of 2024

insofar as the second petitioner is not required for the purpose of the investigation. Hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned ***Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai – 600 008*** on condition that the second 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 said Magistrate, on further condition 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



WEB COPY



Crl.O.P.No.31728 of 2024

[c] the second petitioner shall not abscond either during investigation or trial;

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

06.02.2025

dk

To

1.The Metropolitan Magistrate
for Exclusive Trial of CCB & CBCID Cases,
Egmore, Chennai – 600 008.

2.The The Inspector of Police,
Central Crime Branch – I,
EDF-III, BETA – 7,
Vepery, Chennai – 600 007.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31728 of 2024

SUNDER MOHAN, J.

dk

Crl.O.P.No.31728 of 2024

06.02.2025