



WEB COPY

Crl.O.P.No.32756 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.32756 of 2025

A.K. Mohamed Irshad Ali

... Petitioner/ Accused

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Kancheepuram District.
(Crime No.Not known of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of arrest by the respondent in Crime No.Not
Known of 2025 on the file of the respondent police.

For Petitioner : Mr. Sathish Rajan

For Intervenor : Mr. A.L. Franc Paul Asirvadam

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



WEB COPY

Crl.O.P.No.32756 of 2025



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 34 IPC in Crime No.14 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner/ A3 herein is that, he is the son of A1 and A2 in this case; that A1 and A2 colluded with other accused, created forged documents and entered into an unregistered sale agreement with the defacto complainant over the property, which does not belongs to them; that thereby cheated a sum of Rs.1.56 Crores from the defacto complainant. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, since he is the son of A1, he has been roped into this case and he has not collected any money from the defacto complainant; that another case was also registered against the petitioner and his mother over different subject matter land, wherein the



petitioner and his mother were arrested and subsequently released on bail; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.

4. The learned counsel for the intervenor raised strong objection for grant of anticipatory bail to the petitioner by stating that apart from bank transactions, a sum of Rs.28 Lakhs were given by way of cash to the petitioner herein; that though it is stated that the petitioner was earlier arrested and released on bail in another case, this case pertains to different transactions and subject matter.

5. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that there are totally 10 accused involved in this case and the petitioner is arrayed as A3; that around Rs.1.56 Crores were cheated from the defacto complainant by the petitioner and other accused by way of selling a land; that so far no accused is arrested in this case and the investigation is pending.



6. Considering the submissions made on both sides, facts and circumstances of this case, nature of allegation, taking note of the fact that the allegations in the FIR are taken place in the year 2013 and the complaint was lodged belatedly and also the fact that the petitioner was arrested in another case and subsequently released on bail and since custodial interrogation of the petitioner is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy made ready, before the **learned Judicial Magistrate No.I, Kancheepuram** on condition that the petitioner shall execute 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 Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of copy of this order, this Order shall



stand automatically cancelled;

WEB COPY

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

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



Crl.O.P.No.32756 of 2025

01.12.2025

K. RAJASEKAR, J.

stn

To

1. The Judicial Magistrate No.I,
Kancheepuram.
2. The Inspector of Police,
District Crime Branch,
Kancheepuram District.
(Crime No.14 of 2025)
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.32756 of 2025

01.12.2025