



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.17712 of 2014

ARUMUGARAJ

... PETITIONER/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI DIST,
CR.NO.NOT KNOWN OF 2014

... RESPONDENT / COMPLAINANT

S.SIVAKUMAR

..INTERVENER

For Petitioner : M/S.R.ANAND Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN Government Advocate (Crl.Side)

For Intervenor : M/S.N.MOHIDEEN BASHA, Advocate.

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

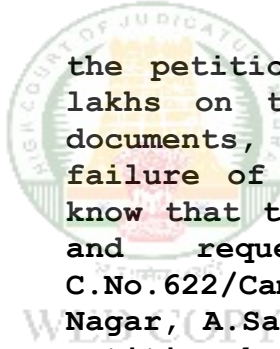
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468, 471 and 420 of Indian Penal Code in Crime No.Not Known of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The anticipatory bail application was filed showing the crime number as not known. Initially, this Court referred the matter to the Tamil Nadu Mediation and Conciliation Centre, attached to this Bench and a failure report dated 05.02.2015 has been received. Since no regular case was registered by the police, this Court granted interim anticipatory bail to this petitioner on 10.02.2015 with a direction to the petitioner to appear before the respondent police and co-operate with the investigation.

3. Today, the police have filed a status report, in which, in paragraph No.2, they have stated as follows:

"2..... I submit that on 04.09.2014 the Manager (Law Section) of HDFC Limited, Palayamkottai Branch preferred a complaint before the Commissioner of Police, Tirunelveli City that one Umakanth S/o Koilpichai, Selvi Nagar, A.Sathankulam, Nanguneri Taluk in Tirunelveli District, his wife Bavani and his brother-in-law Arumugaraj,



the petitioner herein, approached him on 21.08.2012 for loan for Rs.50 lakhs on their newly constructed building and submitted all relevant documents, surety documents etc., and obtained loan Rs.40 Lakhs but in failure of non-payment of loan HDFC verified the documents and came to know that they committed offences under 467, 468, 471, 420 R/w 120(b) IPC and requested legal action and enquiry is pending in C.No.622/Camp/COP/Ptn/Tin-C/2014. Likewise Umakandh S/o.Koilpitchai, Selvi Nagar, A.Sathankulam, Nanguneri Taluk in Tirunelveli District preferred a petition before the Commissioner of Police, on 05.09.2014 and enquiry is being made in C.No.628/Camp/COP/Ptn/Tin-C/2014. But enquiry could not be completed on these identical petitions as neither HDFC authorities nor the Counter Petitioners cooperated for enquiry. I am fully aware of the facts of the above petitions which are pending enquiry in the City Crime Branch, Tirunelveli City."

4. On instructions from the respondent police, the learned Government Advocate (Criminal side) submits that the petitioner did not comply with the orders of this Court by appearing before the respondent police.

5. Mr.N.Mohideen Basha, learned counsel appearing for the intervenor very strongly objects to the grant of anticipatory bail to the petitioner.

6. The crux of the allegation against the petitioner is that fabricated documents have been given to the *defacto* complainant bank (HDFC Bank) and loans have been obtained.

7. Taking into consideration the serious nature of the allegations against this petitioner, I am of the view that this is not a fit case to grant anticipatory bail to the petitioner and hence, the petition seeking anticipatory bail stands dismissed.

sd/-
24/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI DISTRICT.
- 2 THE CO-ORDINATOR MEDIATION AND CONCILIATION CENTRE
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

TS/27.02.2015/2P-4C

ORDER
IN
CRL OP(MD) No.17712 of 2014
Date :24/02/2015