



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

Thursday, the First day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19310 of 2015

SIVAKUMAR

... PETITIONER/ACCUSED -2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI,
TIRUNELVELI DISTRICT.
(REF.CRIME NO. 21/2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SHANMUGARAJA SETHUPATHI Advocate

For Respondent : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 197, 417, 418, 467 and 468 and 420 of IPC, in Crime No.21 of 2014 and hence, seeks anticipatory bail.

2.According to the de-facto complainant, HDFC Limited had brought a property comprised in Survey No.145/1 at Keela Natham Village, Palayankottai Taluk for sale under SARFAESI Act and she was declared as successful bidder in the public auction and she paid the sale consideration of Rs.7,25,000/- and she was also issued a Sale Certificate by the HDFC Limited and when she approached the Sub Registrar of Palayankottai for registration, she was informed that the property was already acquired by the Tamil Nadu House Board and thereby, she was cheated by the accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that one A.Kannan had borrowed loan from HDFC Limited by mortgaging his immovable property comprised in Survey No.145/1 (Plot No.96) at Keela Natham Village, Palayankottai Taluk, Tirunelveli District and for default in payment of the loan amount, HDFC Limited has initiated proceedings under SARFAESI Act and the de-facto complainant has purchased the property in the year 2012.

4.The learned counsel further submitted that the petitioner, who is now working as Authorised Officer in HDFC Limited, Trivandrum, had joined duty in the year 2014 and he is nothing to do with the alleged offence. It is further submitted that the case was registered based on the direction issued by the learned Chief Judicial Magistrate, Tirunelveli under section 156(3) of Cr.P.C.



5. Heard the learned learned Government Advocate (Criminal side) appearing for the respondent.

6. Considering the above facts and circumstances of the case, 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 before the learned Judicial Magistrate No.I, Tirunelveli and 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police for two consecutive Saturday and Sunday i.e., on 24.10.2015, 25.10.2015, 31.10.2015 and 01.11.2015 at 10.00. a.m and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

01/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI,
TIRUNELVELI DISTRICT.

+1. CC to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.59736

Akm/13.10.2015 /2p-6c/

ORDER

IN

CRL OP(MD) No.19310 of 2015

Date :01/10/2015