



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.15343 of 2016

1 A.R.ANUB,
2 A. RASHID,
3 NAZEAMA,
4 RESHMA,

... PETITIONERS / ACCUSED NO.1,3,4,5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
TIRUNELVELI DISTRICT
CR.NO.54 OF 2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

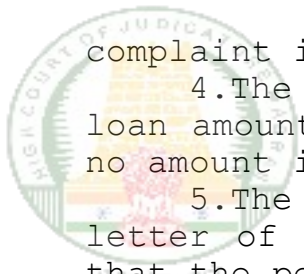
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1,3,4 & 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 120(b) of IPC, in Crime No.54 of 2012, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Chief Regional Manager of the Indian Overseas Bank. The petitioners forged the signature of A2 and fabricated the Power of Attorney and deposited the title deeds of the property belonging to A2 and his wife in addition to other property and availed loan. A2 informed the defacto complainant that Power of Attorney is forged one and he did not execute any power of attorney and appointed the Agent to deal with his property and he has given his property as security for loan. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that A2 is close relative of the petitioners and A2 only executed the power of attorney and handed over the documents for creation of equitable mortgage for availing loan. He was expelled as a Trustee in the year 2010. Due to that he informed the defacto complainant that he did not execute the power of attorney and the petitioners stolen the documents. The



complaint is of the year 2012.

4.The learned counsel for the petitioners submitted that entire loan amount borrowed was paid to the defacto complainant's Bank and no amount is due to the Bank.

5.The learned Government Advocate (Crl.side) has produced the letter of the Indian Overseas Bank, dated 26.08.2016 and submitted that the petitioners have paid the entire loan amount.

6.Considering the facts and circumstances of the case and also considering the fact that entire loan amount has been paid by the petitioners and complaint is of the year 2012, the custodial interrogation of the petitioners is not required. In the circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police as and when required.

(ii)the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii)the petitioners shall not abscond either during investigation or trial.

(iv)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
29/08/2016

/ TRUE COPY /



AM
TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH
TIRUNELVELI DISTRICT

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.48365

GJM/AAL/MPA/SAR-III-9.9.16-2P-6C

ORDER

IN

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Date :29/08/2016