



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8622 of 2016

MUTHUVEL

.. PETITIONER/ACCUSED NO.1

Vs

STATE THRO INSPECTOR OF POLICE
E-3 ANNANAGAR (CRIME) POLICE STATION,
MADURAI CITY. CR. NO.1142/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PARTHASARATHI Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

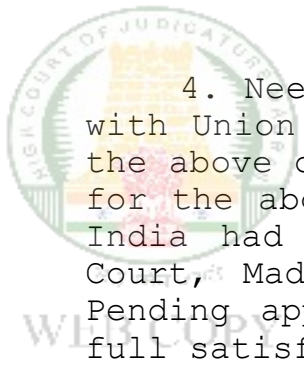
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 420 of IPC in Crime No.1142 of 2015, seeks anticipatory bail.

2. The case of the prosecution is that the Sheristradar, Principal Sub Court, Madurai lodged a complaint stating that between 03.09.1992 and 21.02.1997, the petitioner and A2 in connivance of Court staff stolen the Exs.A5, A6 and A9 marked in O.S.No.891 of 1990 filed by Canara Bank. The second accused deposited the said documents with Union Bank of India, Koachadai, Madurai and borrowed amounts. They did not pay the amounts to the Union Bank of India and hence, they filed O.S.No.394 of 2000, before the II Additional Sub Court, Madurai. Both the Preliminary and Final decrees were passed and the decretal amount was paid and documents were returned to the counsel for Bank and the petitioner received the same for himself and on behalf of his brother. On verification it was found that Exs.A5, A6 and A9 were stolen from the records of O.S.No.891 of 1990 between 03.09.1992 to 21.02.1997 and deposited with Union Bank of India. On this complaint, a case has been registered against the petitioner and A2.

3. The learned counsel for the petitioner submitted that one Muthuvel and Company mortgaged certain items of properties mortgaged with Canara Bank, Madurai branch and obtained loan. As the amount was not paid by the said Muthuvel and Company, the Bank filed O.S.No.891 of 1990 on the file of II Additional Sub Court, Madurai and marked Exs.A5,A6 and A9. Preliminary decree and final decree were passed on 25.02.1992 and 02.09.1992.



4. Neelamegam Traders, represented by A2 mortgaged the property with Union Bank of India, Kochadai Branch, Madurai and A2 deposited the above documents. The petitioner executed a letter of guarantee for the above loan. The loan was not repaid and the Union Bank of India had filed O.S.No.394 of 2000 before the II Additional Sub Court, Madurai. A preliminary decree was passed on 08.10.2004. Pending application for final decree the entire due was paid and full satisfaction was recorded.

5. The family arrangement was made between A2 and legal heir of Neelamegam with regard to the property offered as collateral security. Due to the mis-understanding between brothers, they started to file a claim petition regarding the handing over of title deeds.

6. The learned Government Advocate (Crl. Side) submitted that the petitioner and A2 with connivance of Court staff stolen Exhibits marked in the suit before the decree was satisfied or the property mortgaged was sold in realisation of decretal amount and deposited the documents with another Bank and borrowed money and the investigation of the case is pending. He further submitted that if the petitioner is granted anticipatory bail he will tamper the witness and hamper the investigation.

7. Considering the fact that the offence is said to have been committed between 03.09.1992 and 21.02.1997, the custodial interrogation of the petitioner is not required. Hence, I am inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai and on condition that the 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].



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8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

20/07/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE VI, MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, E-3 ANNANAGAR (CRIME) POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.PARTHASARATHI Advocate SR.No. 38068

JA-SKS-RR/SAR.I/05.08.2016/3P:6C

ORDER

IN

CRL OP(MD) No.8622 of 2016

Date :20/07/2016