



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3293 of 2018

DR.N.RAMAMOORTHY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
EDAMALAIPATTI PUDUR POLICE STATION,
TRICHY.

IN CRIME No.92/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.KARTHIK KANNA Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

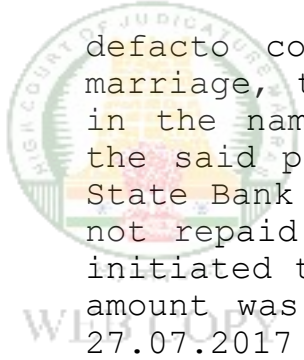
The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 406 & 506(ii) I.P.C., in Crime No.96 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. They established a hospital named 'Naveen Medical Centre, by obtaining housing loan jointly from the State Bank of India, Woraiyur and the said title of the hospital land registered by the petitioner in favour of his wife. Since the defacto complainant had no adequate means, the petitioner stood as the guarantor for the said loan and he repaid all the installments. After the loan has been settled, the bank gave the possession to the petitioner. Hence, the defacto complainant lodged a complainant before the respondent police for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioner and the



defacto complainant are husband and wife. After solemnizing the marriage, the property in question, was purchased by the petitioner in the name of the defacto complainant. Thereafter, after showing the said property, the defacto complainant availed a loan from the State Bank of India, Woraiyur. After availing the loan, the same was not repaid by the defacto complainant, so the bank authorities had initiated the SARFAESI proceedings. In the meantime, the entire loan amount was paid by this petitioner and the dispute was settled on 27.07.2017 in the Lok-Adalat. Prior the settlement, the property in question, was taken by the Officer of the State Bank of India, Woraiyur. Since the entire due is settled, the State Bank of India handed over a key to this petitioner and now the property is in the possession of the petitioner, for which, the defacto complainant has lodged a complaint against this petitioner by mentioning that the petitioner herein forcibly taken the possession of the property, which was in dispute. In the F.I.R., itself the defacto complainant admitted that the Bank Officers have handed over the key to the petitioner. So, in the above circumstances, in order to complete the investigation, custodial interrogation of the petitioner may not be necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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.II, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 petitioner shall report before the respondent Police daily at 09.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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)AIR SCW 5560]**.

sd/-

07/03/2018

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Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE NO.II
TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3 THE INSPECTOR OF POLICE,
EDAMALAIPATTI PUDUR POLICE STATION,
TRICHY.

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

+1. CC to M/S.N.KARTHIK KANNA Advocate SR.No.3658

MSA

JAM/09/03/2018/ PM-PN / SAR 4/ 3P-6C

ORDER

IN

CRL OP(MD) No.3293 of 2018

Date :07/03/2018