



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

Thursday, the Twenty Sixth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6886 of 2018

1 KRISHNAPILLAI

2 K.SIVASUBRAMONIAN

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE INSEPCTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
IN CR.NO. 18 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.I.SUBRAMANI, Senior Counsel for
M/S.PAUL MURUGESH Advocate

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

For Intervenor : MR.ASHOK Advocate

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

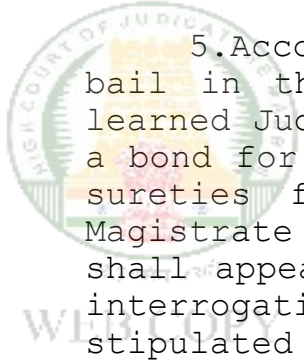
ORDER : The Court Made the following order :-

The petitioners are apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b) 406, 465, 468, 471 and 420 IPC in Crime No.18 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

3.The petitioners are the guarantors for the principal borrower, who committed default, which led to initiation of SARFAESI proceedings. The case of the de facto complainant is that after SARFAESI proceedings were initiated, the petitioners created the agreements causing encumbrance on the mortgaged properties. The de facto complainant is the eventual purchaser of the mortgaged properties in the SARFAESI auction.

4.This Court is of the view that the custodial interrogation of the petitioners is absolutely not necessary. That apart, the case of the petitioners is based on the documentary evidence. Therefore, this Court is inclined to grant anticipatory bail to the



5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Tirunelveli and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

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

sd/-
26/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSEPCTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.PAUL MURUGESH Advocate SR.No.7319

ORDER
IN
CRL OP(MD) No.6886 of 2018
Date :26/04/2018

MKV-CM-VR-GSR/28.4.2018/2P-7C