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

Tuesday, the Twenty Third day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.13787 of 2018

RAMASAMY ... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
TIRUNELVELI CITY CRIME BRANCH,
TIRUNELVELI CITY.
(CRIME NO. 10 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.AR.JEYA RHUTHRAN Advocate

For Respondent : MR.V.NEELAKANDAN,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 418, 420 and 129(B) of I.P.C., in Crime No.10 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing business in the name and style of "Nandhini Agencies" in wholesale business of buying and selling of Soaps and Cosmetics. In order to develop the said business, on 14.11.2014, a sum of Rs.50,00,000/- was disbursed as a loan to the petitioner. It is further alleged that the petitioner was introduced to the Chief Manager by the second accused, who had already availed loan from his branch. He has furnished documents relating to the landed properties situated at Itteri village, Palayamkottai, which is valued to the tune of Rs.93,50,000/- by A3 Engineer. Thereafter, the properties are valued by another Engineer, who came to a conclusion that the value of the properties are exaggerated in order to avail the loan of Rs.50 lakhs. Therefore, all the accused persons cheated the bank to the tune of Rs.50 lakhs. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner approached the second accused to help him to

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avail the loan from State Bank of India, Tirunelveli. Therefore, the second accused took the petitioner to the Chief Manager to State Bank of India on 14.11.2014 and obtained his signature on various papers on the pretext of opening a current account for pursuing the loan in the name of the petitioner. Thereafter, the petitioner was informed by the said Manager that he will inform about the sanctioning of the loan amount within a week. However, to his shock and surprise, the petitioner received a demand notice from the Bank on 15.12.2014 as if he had already borrowed the loan to the tune of Rs.50 lakhs and thereafter, he did not repay the same. Therefore, immediately, the petitioner lodged a complaint before the Commissioner of Police, Tirunelveli City alleging that he never availed any loan from the State Bank of India and in his name, some persons obtained loan and cheated the petitioner and therefore, he sought for bail.

The learned Additional Public Prosecutor (criminal side) would submit that the investigation is pending.

5.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.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 shall stand dismissed.

sd/-
23/10/2018

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

TO

1.THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

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

3.THE INSPECTOR OF POLICE,
TIRUNELVELI CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

+1. CC to MR.AR.JEYA RHUTHRAN Advocate SR.No.20005

ORDER
IN
CRL OP(MD) No.13787 of 2018
Date :23/10/2018

Arul
AE/JC/SAR4/26.10.2018/3P/6C

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