



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

Monday, the Twelfth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20069 of 2018

RAJKUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
IN CRIME NO. 11 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVASUBRAMANIAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor.

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

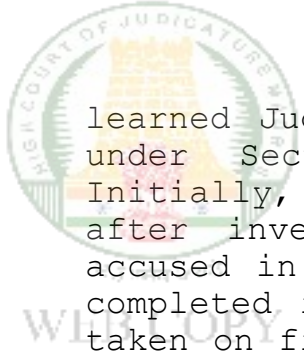
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 418, 420, 120(b), 465, 468, 471 and 467 of IPC., in Crime No.11 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner introduced the loan applicant viz., Muthukrishnan / A1, to the Bank officials, who obtained the loan of Rs.55,00,000/-, from the State Bank of India, Tirunelveli, by producing bogus certificates.

3. The learned counsel appearing for the petitioner would submit that the petitioner was never summoned or called for any enquiry and he was not aware of the registration of the case. Even according to the complainant, the petitioner has only introduced the loan applicant to the Bank officials. He also submit that initially, in the FIR, the name of the petitioner does not find a place.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the case came to be registered in Crime No.11 of 2018, on the file of the respondent, based on the complaint filed by the defacto complainant, before the



learned Judicial Magistrate No.1, Tirunelveli, which was forwarded under Section 156(3) of Cr.PC., to the respondent Police. Initially, the case was registered only against three persons and after investigation, the petitioner has been arrayed as second accused in the FIR. He also submitted that investigation has been completed in this case and charge sheet has been filed, which was taken on file by the learned Chief Judicial Magistrate, Tirunelveli in C.C.No.342 of 2018.

5. Considering the above facts and circumstances of the case and also considering the fact that in this case, investigation has been completed and charge sheet has been filed, which was taken on file by the learned Chief Judicial Magistrate, Tirunelveli in C.C.No.342 of 2018, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. 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.1, Tirunelveli, 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the learned Chief Judicial Magistrate, Tirunelveli, daily at 10.30 a.m., and co-operate with the trial.

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

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

[e] 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/11/2018

/ 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.

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

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

+1. CC to Mr. S. SIVASUBRAMANIAN Advocate SR.No.21408.

ORDER

IN

CRL OP (MD) No.20069 of 2018

Date :12/11/2018

RAM/RR/SAR 1/15.11.2018/3P/6C