



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

Thursday, the Seventh day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1954 of 2019

M.SANTHI

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
CCIW MADURAI CITY POLICE STATION,
IN CRIME NO.NOT KNOWN OF 2019,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.PRABHAKARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

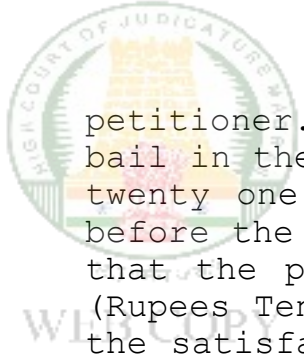
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 406, 467, 471 and 506(ii) IPC in Cr.No.Not Known of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner availed housing loan from the defacto complainant. Since he did not repay the amount, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to deposit a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the defacto complainant, without prejudice to his rights.

4.The learned Government Advocate (Crl.side), on instructions, would submit that if the petitioner is ready to deposit substantial amount, this Court may consider the petitioner's bail application.

5.Considering the facts and circumstances of the case and also considering the petitioner willing to deposit 50% of the loan amount, this Court is 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 twenty one days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Madurai, 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 also produced a copy of the receipt for repayment amount to the defacto complainant and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall deposit a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the defacto complainant within a period of fifteen days from the date of receipt of a copy of this order;

(c) the petitioner shall report before the respondent police as and when required for interrogation ;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

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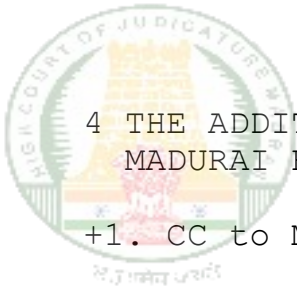
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
CCIW MADURAI CITY POLICE STATION,
MADURAI DISTRICT.



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

+1. CC to M/S.C.PRABHAKARAN Advocate SR.No. 2557

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ORDER

IN

CRL OP(MD) No.1954 of 2019

Date :07/02/2019

JM/VR/SAR 2/12.02.2019/3P/6C