



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

Monday, the Twenty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.766 of 2019

1 P.PALPANDI
2 P.VANITHA

... PETITIONER / ACCUSED
RANK 1 & 2

Vs

STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT
Crime No.50/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.SURIYA NARAYANAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420 I.P.C, in Crime No.50 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Bank Manager of State Bank of India, Uthamapalayam Branch. There are four accused in this case. The petitioners herein arrayed as A1 and A2 and are husband and wife. The petitioners had earlier availed Bank loan from Axis Bank, Cumbum Branch, Theni in the year 2012. Thereafter, the petitioners approached the defacto complainant for availing tractor loan from the Bank to the tune of Rs.34 Lakhs and the same was granted. While depositing the tractor loan, the petitioners had deposited the Photostatted copy of the document, encumbrance certificate for the property and executed other documents as per the Bank requirements. Initially, the loan was repaid and installments for a period of 120 months. E.M.I. , which 6 months has been repaid for the loan which was availed in the year 2016. Thereafter, the petitioners have not repaid the loan. While verifying the documents, the Bank now came to know that the petitioners have suppressed the title deed of the property with the Axis Bank and had submit forged the encumbrance certificate, wherein

the encumbrance certificate does not reflected.

3.The contention of the petitioner is that the petitioner had availed the agriculture loan and the granting the loan, while first charge over the subject property is not prohibited under law. Therefore, the petitioners have not committed any act with purview of offence under Section of 420 I.P.C as alleged by the defacto complainant. However, the petitioners are ready to pay the actual due amount to the defacto complainant as per the result of the pending application before the DRT, Madurai. Hence, he prayed for grant of anticipatory bail to to the petitioners.

4.Heard the learned Government Advocate (Crl.Side) for the respondent.

5.Considering the facts and circumstances of the case and considering the offence committed by the petitioners, custodial interrogation is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Theni, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the first petitioner is directed to appear before the respondent police daily at 10.30.am., for a period of two weeks, thereafter, as and when required for interrogation.

[C] the second petitioner shall appear before the respondent police as and when required for interrogation

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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].



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

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sd/-
21/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
THENI, THENI DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.SURIYA NARAYANAN Advocate SR.No.995

ORDER
IN
CRL OP(MD) No.766 of 2019
Date :21/01/2019

TK/JC/SAR-1/28.01.2019/3P/6C