



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP(MD) No.21606 of 2018

PALANICHAMY,

... PETITIONER / ACCUSED

Vs

STATE THE STATE REPRESENTED BY BY
THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.
(CR.NO.764/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SENGUTTUARASAN Advocate

For Respondent : 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 petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465 of IPC, in Cr.No.764 of 2015 seeks anticipatory bail.

2. The case of the prosecution is that the first accused, who is the wife of the petitioner, had mortgaged the property and had obtained a housing loan of Rs.6,00,000/- in the year 2012 from the Syndicate Bank, Theni and thereafter, she had settled the property to another person. Suppressing at these facts, during the year 2014, she again obtained a sum of Rs.2,00,000/- as housing loan for the very same property and thereby, she had cheated the Bank by producing the forged documents.

3.The contention of the learned counsel for the petitioner is that the petitioner has stood as a guarantor and he no way involved in the said offence. He further submitted that the petitioner and his wife have paid a sum of Rs.2,50,000/- and they are not in a position to make the payment. The petitioner is an agriculturist and he was not repaid the loan amount due to uncertain weather condition and low agricultural production.



4. The learned Government Advocate (Crl.side) would submit that the investigation is going on.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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 respondent police for a period of two weeks and thereafter as and when required for interrogation.

[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/-
21/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THENI



2 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.P.SENGUTTARASAN Advocate SR.No.21606

ORDER
IN
CRL OP (MD) No.21606 of 2018
Date :21/01/2019

TR/VR/SAR-I (23/01/2019) 5C 3P