



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9072 of 2019

1. Michael

2. Santhana Ramakrishnan

... Petitioners/A3 and A5

Vs

State Rep.by

The Inspector of Police,

Thoothukudi South Police Station,

Thoothukudi.

(Crime No.284 of 2019).

... Respondent/Complainant

For Petitioners: Mr.C.Jeganathan, Advocate for
M/s.Veera Associates

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

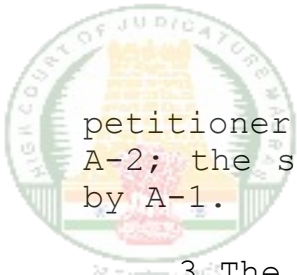
PRAYER :-

For Anticipatory Bail in Crime No.284 of 2019 on the file of the respondent Police.

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 465, 468 and 420 of IPC in Crime No.284 of 2019, seek anticipatory bail.

2.As per the F.I.R, A-1 borrowed a sum of Rs.8,15,000/- from the defacto complainant's Company by hypothecating Mahindra Navistar Tipper Lorry bearing Regn.No.TN69-AK-8993 and subsequently, he paid only two instalments. It is further stated that engine number and the chassis number belong to the said vehicle have been printed in the Ashok Leyland lorry bearing Regn.No.TN-69-BA-9898, which belongs to A-2. It is further stated that already, A-2 borrowed a sum of Rs.13,00,000/- from the defacto complainant's Company by hypothecating lorry bearing Regn.No.TN-69-BA-9898 and he also has not paid the entire dues. The allegation against the first



petitioner is that he stood as a guarantor for the loan borrowed by A-2; the second petitioner stood as guarantor for the loan borrowed by A-1.

3. The learned counsel appearing for the petitioners has submitted that since the loan amount was not paid regularly, the respondent Police has seized the lorry bearing Regn.No.TN-69-BA-9898, which belongs to A-2. He further submitted that the petitioners are only guarantors of the loan borrowed by A-1 and A-2 and they are in noway connected with the offence said to have been committed by A-1. Therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners herein stood as guarantors for the loan availed by A-1 and A-2. He further submitted that A-1 and A-2 borrowed huge amounts from the defacto complainant's Company by showing the same vehicle and hence, he strongly opposed this petition. However, he fairly conceded that the petitioners have no previous case.

5. Taking into consideration of the fact that the petitioners herein only stood as guarantors for the loan availed by A-1 and A-2, also the fact that the respondent Police has seized the lorry bearing Regn.No.TN-69-BA-9898 and also the fact that petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

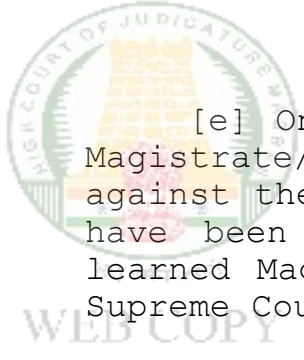
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi on condition that the petitioners shall each execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

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



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

sd/-

16/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.11844

ORDER

IN

CRL OP(MD) No.9072 of 2019

Date :16/07/2019

MS/PN/SAR-4/24.07.2019/3P.6C