



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8895 of 2020

1. Saramma
2. Mohamed Tharik Syed
3. Shahin Fathima
4. Prabhu

... Petitioners/Accused No.1 to 4

Vs

The State Rep. by
The Inspector of Police,
Thallakulam Police Station,
Madurai.

(Crime No. 308 of 2020).

... Respondent/Complainant

For Petitioners: Mr.T.Lajapathi Roy,
Advocate.

For Respondent : Mr.S.Chandra Sekaran
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.308 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 465 and 468 of IPC, in Crime No.308 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner has availed personal loan of Rs.2,70,000/- from the fourth petitioner by producing forged documents by affixing her father's photo and forged his signature as guarantor of the said loan. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the first petitioner is the daughter of the defacto complainant and the second petitioner is the grandson of the defacto complainant. He further submitted that the only allegation against the first petitioner is that she availed loan by forging the signature of the defacto complainant and the entire loan amount has been discharged and finance company has also given a "No due Certificate and No Objection Certificate" on 09.03.2020 to the petitioners and there is no due in the above said finance company. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the first petitioner has availed loan by forging signature of the defacto complainant. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the fact that there is a money dispute between the father and the daughter and the entire loan has been discharged and there is no due in the above said finance company, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-6133[I] dated 27/08/2020)

ORDER
IN
CRL OP(MD) No.8895 of 2020
Date :26/08/2020