



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

Date : 01/12/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13647 of 2020

1. Vigneshwaran
2. Palanisamy
3. Thailammai
4. Ponnupandian

... Petitioners/Accused No.1to4

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioners: M/s.K.Baalasundharam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 294(b) and 506(2) of IPC seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the defacto complainant lent a sum of Rs.2.80,000/- to the accused persons as loan. The accused persons had approached the defacto complainant for loan for the purpose of going to abroad. Thereafter, the accused persons failed to repay the amount, which was borrowed by the accused persons. Hence, the complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that the first accused borrowed a sum of Rs.50,000/- only, in two instalments on 14.08.2018 and 28.10.2018 respectively. At the time of borrowing loan, the defacto complainant also obtained signature in one empty non judicial stamp paper, one concur paper and one white paper along with the signature of the other accused persons.

5.The learned Government Advocate(Criminal Side) would submit that the defacto complainant lent a sum of Rs.4,00,000/- as loan to the accused persons and the same was not returned by them.

6.It is seen that there are many transactions between the petitioners and the defacto complainant. According to the defacto complainant, the first accused borrowed a sum of Rs.4,00,000/- and thereafter, failed to repay the same. Even according to the case of the prosecution, the first accused executed some of the documents, while borrowing the money. Therefore, the entire allegation is civil in nature and hence, the custodial interrogation of the petitioner does not require.

7.Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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.II, Pudukkottai, Pudukkottai 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13647 of 2020

Date : 01/12/2020

DSS

SRS/SMA/SAR-III/09.12.2020/3P/5C

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