



WEB COPY

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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13930 of 2020

1. Ayyanar
2. Gayathri ... petitioners/Accused Nos.2 and 3

Vs

The State, Rep by its
The Sub-Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No.305/2020. ... Respondent/Complainant

For petitioners: Mr.A.Baskaran,
Advocate.

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

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

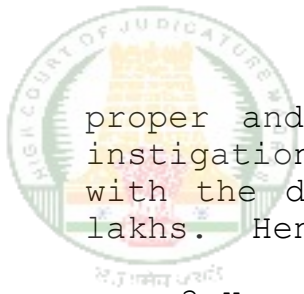
PRAYER :-

For Anticipatory Bail in Crime No.305 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 467, 468, 406 and 420 of IPC, in Crime No.305 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is the original owner of the property and mortgaged the said property with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Thereafter, the accused persons failed to repay the said amount. Thereafter, the defacto complainant has verified and came to understand that the first accused is not the original owner of the



proper and impersonated the title over the property only on the instigation of the A2 and A3 fabricated the document and mortgaged with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

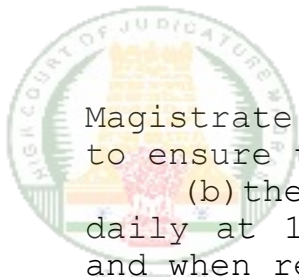
4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that petitioners are stood as witnesses to the said mortgage deed and there is no other allegation against the petitioners. He further submitted that the petitioners are ready and willing to show their bona fide. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first accused is the original owner of the property and mortgaged the said property with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Thereafter, the accused persons failed to repay the said amount. Thereafter, the defacto complainant has verified and came to understand that the first accused is not the original owner of the property and impersonated the title over the property only on the instigation of the A2 and A3 fabricated the document and mortgaged with the defacto complainant and availed loan to the tune of Rs.2 lakhs. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the fact that except the petitioners are stood as witnesses to the said Mortgage Deed, there is no other serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each to the credit of Crime No.305 of 2020 before the Judicial Magistrate, Aruppukottai. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, 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 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 daily at 10.30 a.m for a period of three 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/12/2020

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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, ARUPPUKOTTAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13930 of 2020

Date : 03/12/2020

vsg

AE/PN/SAR-II (15.12.2020) 3P / 5C

<https://hcservices.ecourts.gov.in/hcservices/>