



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

Date : 10/12/2020

PRESENT

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

CRL OP(MD).No.14495 of 2020

K.Ramanathan

.... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
D3 Koodalpudhur (L & O) Police Station,
Madurai.
Crime No.1744 of 2020

... Respondent/Complainant

For Petitioner : Mr.C.Deepak,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Cr.No.1744 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 427, 355 and 506(i) IPC, in Crime No.1744 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused and the defacto complainant has involved in the money transaction. The accused along with other accused persons have demanded more interest for the money lend and thereafter all the accused together has cheated the defacto complainant. Hence, the case has been registered.

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



4.The learned counsel appearing for the petitioner submitted that there are totally five accused, in which the petitioner is arrayed as A1. Even according to the defacto complainant, he borrowed a sum of Rs.11 lakhs, as loan, for which, he executed some of the deeds in favour of A1. After repayment of the entire loan amount A1 failed to redeem the mortgage. Even according to the case of the prosecution, the defacto complainant borrowed a sum of Rs.9,00,000/- from A2 and A3. After repayment of entire amount with interest other accused persons failed to redeem the mortgage deed executed in favour of the accused persons. Therefore, the petitioner is nothing to do with the offence as alleged by the prosecution.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant borrowed a money from all the accused persons. At that time of borrowing money, he had executed a mortgage deed in favour of A3. After return back the entire amount, the defacto complainant asked A1 and other accused persons to return back the original documents and also clear encumbrance already executed in favour of A3. On that motive all the accused persons threatened the defacto complainant and also assaulted with Chappal.

6.It is seen that there are totally five accused, in which, the petitioner is arrayed as A1. Admittedly, a sale deed was executed in favour of A3. Even according to the case of the prosecution, A3 alone now refused to redeem the mortgage deed executed in favour of the defacto complainant.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.4, Madurai, 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 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 petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and

