

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5552 of 2020

1 K.MALARVIZHI
2 K.R.KUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR
CR.NO.4 OF 2020.

[RESPONDENT]

For Petitioner : M/S.M.GNANASEKAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S C.P.R.KAMARAJ Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420 and 34 of IPC in Crime No.4 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have availed loan from the State Bank of India. In order to failure to settle the entire loan amount, the present complaint was lodged before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are in no way connected with the offence as alleged. He further submits that the petitioners without prejudice to their defence and contentions, in order to show their bona fide, on their own volition, are ready and willing to settle the entire loan amount with the bank,, within time stipulated by this Court and, prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are to have cheated the defacto complainant without paying the entire loan amount and caused loss to the Bank. The value involved being very substantial, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioners on their own volition, is ready and willing to settle the entire loan amount,with the bank, this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions.

6.Accordingly, the petitioners are directed to settle the entire loan amount with the bank which is the subject of this petition, within a period of three months from the date on which the order copy is made ready and on such payment being made, the petitioners shall be released on bail in the event of arrest or on their surrender before the learned Judicial Magistrate I, Ponneri and on further condition that each of the petitioners shall execute separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to settle the entire loan amount with the bank within a period of three months from the date on which the order copy is made ready and on failure to settle the entire loan amount, the anticipatory bail granted by this Court stands automatically vacated.

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.GNANASEKAR Advocate on payment of necessary charges
Sr.5023

CRL OP.5552/2020

Date :17/04/2021

RVR 21/04/2021