

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.9474 of 2021

1. Arunachalam
2. L.Suresh
3. S.Chithambaram
4. C.Chitradevi

... Petitioners

Vs.

State rep by  
The Sub-Inspector of Police,  
District Crime Branch,  
Erode,  
Erode District.  
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.1 of 2021 on the file of the respondent.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120 (b), 420, 467, 468 & 471 of IPC. in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and his wife mortgaging their property borrowed loan for a sum of Rs.58,00,000/- from the REPCO Bank. Since the interest rate is high, A1 and A2 have approached the defacto complainant/HDFC Bank. Thereafter, the defacto complainant Bank had transferred a sum of Rs.58,00,000/- to REPCO Bank on 30.11.2018. Thereafter, the Manager/REPCO Bank had not deposited the title deeds to the defacto complainant Bank. The defacto complainant verified the encumbrance and found that the mortgage with REPCO Bank was cancelled on 03.04.2019 by virtue of cancellation deed and A1 and A2 executed a sale deed in favour these petitioners. The

petitioners along with other accused persons have created a forged documents and obtained a loan from the defacto complainant. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the main allegation is only against A1 and A2. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also the fact that the main allegations are only against A1 and A2, there being no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No-II, Erode,, on condition that each of 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 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 Court concerned 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. until further orders.

© 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/-

14/06/2021

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 COURT NO.II,  
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION]

3 THE SUB-INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
ERODE,  
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.9474/2021

Date :14/06/2021

MK:08/07/2021