



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12764 of 2021

1.Munisekar
2.Sagunthala
3.Sai Chandrasekar

... Petitioners

Versus

State Rep. by
The Inspector of Police,
District Crime Branch,
Tiruvallur,
Tiruvallur District.
(Cr.No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.5 of 2021 on the file of the respondent Police.

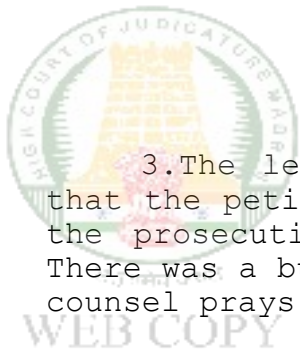
For Petitioner : Mr.R.Vijayakumar

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406, 417, 420, 468 and 471 IPC in Cr.No.5 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner has obtained loan from the defacto complainant Bank, for which he has mortgaged his land and building as a collateral security. It is alleged by the defacto complainant that originally there is no building exists on the land in question and however the petitioner has given false information about the property and increase the property value by colluding with A4 and A5 and secured the loan. Hence this complaint. Based on the complaint of the defacto complainant, the Law Enforcing Agency registered a case against the petitioners.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. There was a building existing on the said land. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners have mischeated the defacto complainant and obtained loan and failed to settle their dues and he further submitted that there are no previous cases against the petitioners.

5. Though allegation have been raised by the defacto complainant, stating that the land was a vacant land and that no building was existed on the said land, there was connivance between A1 and A3 with A4 and A5 to defraud the Bank. However prima facie no material as on date to show that on the said land, there was no building in existence. Further title to the land is vested with A3, which has been given as collateral security to the Bank. In the above backdrop, this Court is of the view that the petitioners could be granted anticipatory bail.

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, Tiruttani, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioners 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 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;

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

-sd/-
23/07/2021

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVALLUR,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.VIJAYAKUMAR Advocate on payment of necessary charges SR NO.7792

CRL OP.12764/2021

Date :23/07/2021

MK:29/07/2021