



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19095 of 2021

PRABHU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.
CRIME.NO.15 OF 2019.

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : M/S. C.PRAKASAM Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406, 420 of IPC in Cr.No.15 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A2 in this case. He borrowed a sum of Rs.8,47,654/- from IDBI Bank by mortgaging 2252 paddy bags in the name of the petitioner and on 07.02.2018, the defacto complainant Bank official, while verifying the commodities, they came to know that only 1848 bags alone available instead of 2252 bags in the godown. The petitioner along with other accused persons joined together and colluded with A1 and created a forged documents and cheated the defacto complainant by dumping the wastage in the bags and stored in the godown. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the innocent and he is falsely implicated in this case. However, on instructions, he further submitted that the petitioner is ready to deposit the loan amount of Rs.8,47,654/- with



interest in favour of the defacto complainant bank without a period of two weeks. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner has borrowed a sum of Rs.8,47,654/- from the Bank by creating a forged document and cheating the defacto complainant and hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the defacto complainant submitted that if the petitioner is ready to repay the loan amount, he has no objection for grant of anticipatory bail to the petitioner.

6. Taking into consideration of the facts and the submission of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Thiruvannamalai, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.8,47,654/- with interest in favour of the defacto complainant either through RTGS/NEFT/cash, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner; Thereafter, the defacto complainant is directed to withdraw the said amount by filling appropriate petition;

(c) being a lady, 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/-

28/10/2021

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-I,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.12216

CRL OP.19095/2021

Date :28/10/2021

INBA-02/11/2021