



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21298 of 2021

V.SURESH BABU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE.
CRIME NO.44 OF 2020.

[RESPONDENT]

For Petitioner : M/S.N.BHASKARAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 read with 120 B of I.P.C in Crime No.44 of 2020. Hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Shanthi Prakash lodged a complaint against the petitioner for the loan availed from the Co-operative bank, Coimbatore, for a sum of Rs.7,00,000/-. The defacto complainant further states that in order to raise the first floor of the building, she availed loan to the tune of Rs.11,00,000/- and she approached Repco Bank and after discharging the loan from Co-operative Bank, she avail loan from Repco Bank. The loan availed by her during 2015 subsequently she came to know her land was sold to Tmt.Revathy. Hence, this complaint has been lodged by the defacto complainant.



3. The learned counsel appearing for the petitioner would submit that Tmt. Shanthi availed loan from the petitioner and in acknowledgment of the loan amount, she has executed a document in favour of the petitioner. Tmt. Shanthi had executed the sale deed by misusing the name of the petitioner and the respondent in the guise of investigation registered the case against A2/Selvaraj, A3/Sudhakar and A4/Revathi. Hence, seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) for the respondent would submit that the case is taken on file in C.C.No.1848 of 2021 before the Judicial Magistrate-I, Coimbatore and investigation already completed.

5. Considering the facts and circumstances of the case and taking note of the fact that A2/Selvaraj & A3/Sudhakar were already granted anticipatory bail and A4/Revathi absconded. Investigation is already completed and case is taken on file in C.C.No.1848 of 2021. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.I, Coimbatore, 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 shall be directed to co-operate with the trial regularly.

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

(d) the petitioner 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 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;



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

WEB COPY

-sd/-
12/11/2021

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.BHASKARAN Advocate on payment of necessary charges

CRL OP.21298/2021

Date :12/11/2021

JPA 17/11/2021