



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.3483 of 2021

1. Sudhakaran

2. Benit Shinthia

... Petitioners/A-1 & A-2

Vs

The State rep. by
The Inspector of Police,
C.C.B,
Trichy City and District.
Crime No. 7/2021.

... Respondent/Complainant

For Petitioners : Mr.A.Aruljenifer,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

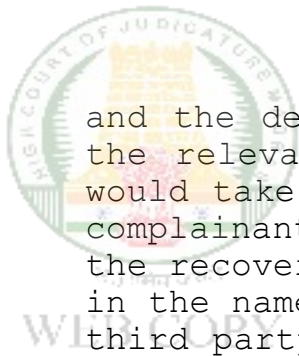
For Anticipatory Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 468 and 506(ii) of I.P.C., in Crime No.7 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.One Gurusamy is the defacto complainant in this case. The case of the defacto complainant is that he approached the petitioners, who are dealers in earth-moving machines. The petitioners are said to have assured the defacto complainant that through Mahindra and Mahindra Finance Company loan can be arranged



and the defacto complainant was induced to affix his signatures in the relevant forms. The defacto complainant was also told that it would take two months for the loan to be processed. But the defacto complainant was not granted any loan. However, he came to know from the recovery agent of the financing company that loan was sanctioned in the name of the defacto complainant but then, it was paid to some third party. The specific allegation of the defacto complainant is that the signatures put by him in the various forms have been misused by the petitioners herein. The amount involved is Rs.20 Lakhs. Even though complaint was given way back in November 2019, FIR came to be registered only on 10.02.2021.

4.The learned Government Advocate (Criminal Side) states that the allegations are fairly serious and the investigation is at the preliminary stage.

5.Even though the allegations against the petitioners are serious, taking note of the fact that the second petitioner is a woman and wife of the first petitioner and since the business is being taken care by the first petitioner, this Court inclined to grant anticipatory bail to the second petitioner. Since specific allegations have been made against the first petitioner that he had cheated the defacto complainant and there are materials also to sustain the said allegations, the first petitioner is not entitled to the relief of anticipatory bail. This is a case, which requires custodial interrogation. Therefore, this criminal original petition is dismissed as regards the first petitioner. This Court is inclined to grant anticipatory bail to the second petitioner on certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the second petitioner shall appear before the learned Judicial Magistrate No.II, Thiruchirappalli, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the second petitioner shall report before the respondent police as and when required for interrogation;

[c]the second petitioner shall not abscond either during investigation or trial;



[d]the second petitioner shall not tamper with evidence or witness 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUCHIRAPPALLI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,
C.C.B, TRICHY CITY AND DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.3483 of 2021

Date :09/06/2021

IAS

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