



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL OP (MD)No.14142 of 2021

Kesavan ... Petitioner / Accused No.6
-vs-

State through,
The Inspector of Police,
Central Crime Branch,
Madurai.
Crime No.43 of 2020 ... Respondent / Complainant

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

PRAYER : Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail, in the event of his arrest, in Crime No.43 of 2020, on the file of the respondent.

For Petitioner :Mr.Niranjana S.Kumar

For Respondent :Mr.S.Ravi
Additional Public Prosecutor

O R D E R

The Petitioner / A6, who apprehends arrest at the hand of the respondent police for the alleged offence punishable under Sections 120-B, 465, 467, 468, 471 and 420 of IPC., in Crime No.43 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused borrowed a loan from the Karur Vysya Bank, Mattuthavani Branch, Madurai, to the tune of Rs.53,63,000/-, by placing forged documents. Subsequently, a field inspection was conducted by the Bank officials and it was found that all the documents produced by the accused are forged one. Based, on the complaint given by the defacto complainant, the crime was registered. So far as this petitioner is concerned, he said to have borrowed a sum of Rs.20,27,000/-.

3. Mr.Niranjana S.Kumar, the learned counsel appearing for the petitioner would submit that A1 is the owner of the School, in which, the petitioner was working as driver and without his



knowledge, A1 borrowed the loan, by mortgaging some documents, for which, he is not responsible and he is not benefitted from the said transaction. That apart, the main accused in this case was arrested and released on bail and similarly placed co-accused were granted anticipatory bail.

WEB COPY

4. Mr.S.Ravi, the learned Additional Public Prosecutor, appearing for the respondent Police, on instructions, would submit that there are totally 12 accused in this case and the petitioner is A6. The petitioner along with other accused borrowed a loan from the Karur Vysya Bank, Mattuthavani Branch, Madurai, to the tune of Rs. 53,63,000/-, by placing forged documents. Subsequently, a field inspection was conducted by the Bank officials and it was found that all the documents produced by the accused are forged one. Based, on the complaint given by the defacto complainant, the crime was registered. The petitioner, who is working under AI School, is concerned, he said to have borrowed a sum of Rs.20,27,000/-. The petitioner signed in the loan application, withdrew the money and now, it is not open to the petitioner to claim that he is an innocent. He also submitted that co-accused in this case arrested and released on bail.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused in this case had already been arrested and released on bail and some of the similar placed accused were granted the relief of anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions;-

7. Accordingly, this Criminal Original Petition is allowed and 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 No.I, Madurai, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] The petitioner shall report before respondent police, as and when required, for interrogation.



[c] The petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] The petitioner shall not abscond either during investigation or trial;

WEB COPY

[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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/11/2021

/ TRUE COPY /

/ /2021

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

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.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-33555[F] dated 02/11/2021)

ORDER

IN

CRL OP(MD) No.14142 of 2021

Date :02/11/2021

MPK

MS/JM/SAR-1/10.11.2021/3P.6C

<https://hcservices.ecourts.gov.in/hcservices/>