



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14534 of 2021

Thankapandiyan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
C.B.C.I.D., -South Nagercoil,
Kanniyakumari District.
(Crime No.4 of 2020).

... Respondent/Complainant

For Petitioner : M/s. Anbarasu.S.R, Advocate.

For Respondent : M/s.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

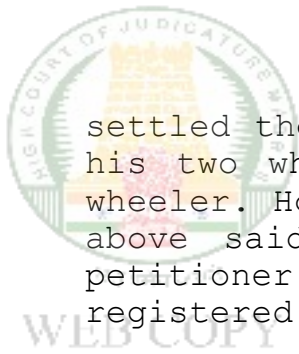
PRAYER :-

For Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested on 30.06.2020 for the offence under Sections 420, 406, 465, 467, 471, 384, 506(I), 120 (B), 109 r/w Section 34 of IPC, Section 4 of the Tamil Nadu Prohibition of Charging Ex-orbitant Interest Act, 2003 in Crime.No.4 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused is a money lender and the defacto complainant obtained a loan of Rs.1,00,000/- from the first accused and it was repaid. Subsequently, the defacto complainant again borrowed a sum of Rs.2,00,000/- from the first accused by way of giving one cheque and his two wheeler as security. Thereafter, the defacto complainant



settled the entire amount and requested the first accused to return his two wheeler. But the first accused refused to return the two wheeler. However, the first accused transferred the ownership of the above said two wheeler to his name with the connivance of the petitioner and the third accused. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor submits that this is the tenth application for bail and the earlier applications filed by this petitioner were dismissed by this Court.

5. It appears that this application has been filed mainly on the ground that the petitioner's wife is suffering from some health problems and it requires immediate attention. There are no one to take care of his wife. In this regard, the petitioner has produced a scan report. Considering the document placed before this Court, this Court directed the respondent police to ascertain the nature of report from the concerned Doctor who issued the certificate and file a report before this Court. The respondent police had also enquired the Doctor, who issued the certificate and the Doctor had also given a statement before the respondent police that the petitioner's wife was not admitted in the hospital at all, not in a critical condition and she requested the Doctor to issue certificate for getting leave from working place. Based on that, the certificate has also been issued.

6. Considering the conduct of the petitioner in obtaining the false certificate from the Doctor, this Court is not inclined to grant bail to this petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
04/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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 INSPECTOR OF POLICE,
C.B.C.I.D., -SOUTH
NAGERCOIL,
KANNIYAKUMARI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14534 of 2021

Date :04/10/2021

SP/SKN/SAR I/25/10/2021/3P/4C