



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17235 of 2021

1. Narmatha
2. Venkatamani Murugan

... Petitioners/Accused
1 & 2

Vs

State by its
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.6 of 2020).

... Respondent/Complainant

For Petitioners : M/s.Jegadeesh Pandian.M, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

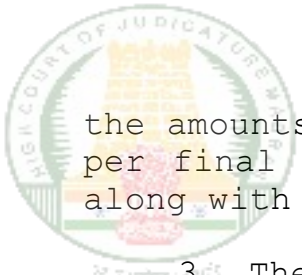
PRAYER :-

For Anticipatory Bail in Crime No.06 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 465, 468, 420, 474 r/w 120-B I.P.C., in Cr.No.6 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the Senior Regional Manager of Muthoot Capital Services Ltd., financed for various two wheelers to various customers at Sakthi Sivam Motors through Muthoot Finance representative, namely Kalaiselvei, who was responsible for verification of documents, insurance and other formalities. Later, the defacto complainant came to know that some of the customers' documents were fabricated and



the amounts were credited in the account of the first accused and as per final audit, the accused has to pay a sum of Rs.1,17,15,918/- along with interest. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.

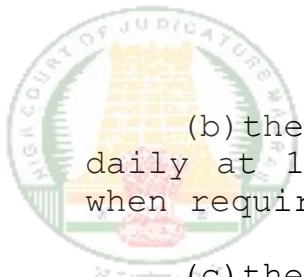
4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is a loan transaction between the parties and the petitioners are husband and wife.

5. It is not in dispute that the petitioners have already filed a petition seeking anticipatory bail before this Court in Crl.O.P. (MD)No.2031 of 2021 and this Court, vide order dated 31.03.2021, has granted the relief as sought for by the petitioners. It is also not in dispute that at the instance of the petitioners, this Court in Crl.M.P.(MD)No.3596 of 2021, vide order dated 30.04.2021, has granted further two weeks time from the date of receipt of copy of that order, for production of sureties. Subsequently, the petitioners have filed another petition in Crl.M.P.(MD)No.6480 of 2021 seeking extension of time. This Court, vide order dated 06.09.2021, dismissed the same, giving liberty to the petitioners to file a fresh petition seeking anticipatory bail. In pursuance of the said order, the present Criminal Original Petition came to be filed by the petitioners seeking anticipatory bail.

6. Considering the facts that the petitioners have already been granted anticipatory bail by this Court, that the sureties were not produced due to COVID-19 pandemic situation and that since this Court has also granted liberty, at the time of dismissal of the extension petition in Crl.M.P.(MD)No.6480 of 2021, to the petitioners to file a fresh petition seeking anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their 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 petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

Sd/-

09/11/2021

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

SSL

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.I,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.17235 of 2021

Date :09/11/2021

SP/PN/SAR I/12/11/2021/4P/5C