



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

Date : 15/03/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.2059 and 2758 of 2022

G.Balamurugan : Petitioner/Accused No.12
(in CRL OP(MD). No.2059 of 2022)

J.Suresh : Petitioner/Accused No.10
(in CRL OP(MD). No.2758 of 2022)

Vs

The State Rep. By,
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.21 of 2014) : Respondent/Complainant
(in both petitions)

For Petitioner : Mr.Senthil Kumar, R.
(in CRL OP(MD). No.2059 of 2022)

For Petitioner : Mr.Mohan Gandhi, S.M.
(in CRL OP(MD). No.2758 of 2022)

(in both petitions)

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.21 of 2014 on the file of the
Respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 120
(b), 406, 409 and 420 IPC, in Crime No.21 of 2014 on the file of the
Respondent police, seek anticipatory bail.



2.The case of the prosecution is that one Muthukumar had introduced the defacto complainant to A1 and thereafter, the defacto complainant has purchased one property and A1 promised to construct a building in that property. A sum of Rs.11,40,000/- was sanctioned as housing loan in favour of the defacto complainant and he came to know that the house was not constructed in the place purchased by him and it was constructed in some other place. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. He would further submit that the petitioners are a registered valuers, they have valued the property and filed the report after valuing the property as directed by the Bank Manager and that the accused A1 to A4 were already released on bail and that the A5 was also granted anticipatory bail by this Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is still pending.

5.It is pertinent to note that FIR came to be registered in the year 2014.

6.Considering the nature of the charges levelled against the petitioners and also the fact that the co-accused were already released on bail and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

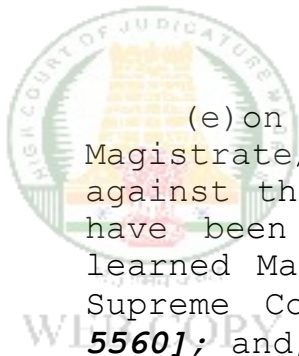
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners shall execute 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 conditions 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 as and when required for interrogation,

(c)the petitioner 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 petitioner 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/-
15/03/2022

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/ /2022
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,
VIRUDHUNAGAR.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
AAMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.M.MOHAN GANDHI, Advocate SR.No.2087.

ORDER
IN
CRL OP(MD). Nos.2059 and
2758 of 2022
Date :15/03/2022

das
USK/VR/SAR-III/24.03.2022/3P/6C

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