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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/02/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.2924 of 2022**

Britto Xavier

... Petitioner/Accused  
Rank Not Known

Vs

State rep.by  
The Inspector of Police,  
Central Crime Branch,  
Madurai City.  
(Crime No.43 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Romeo Roy Alfred.I., Advocate.

For Respondent : M/s.M. Muthumanikkam,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The Petitioner / accused, 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.96,40,000/-, 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. Hence, the present complaint.



3. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's name does not find in the F.I.R.

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4. The learned Government Advocate (Crl.Side) appearing for the State would submit that based on the confession statement given by the co-accused, the petitioner was arrayed as an accused and the investigation is going on.

5. Considering the facts and circumstances and the nature of the charges levelled against the petitioner and also the fact that the co-accused had already been arrested and released on bail and some of the co-accused were also been granted anticipatory bail, this this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or 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.25,000/- (Rupees Twenty Five thousand only) 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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.

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Sd/-  
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Sub-Assistant Registrar (C.S.IV)  
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 DISTRICT.
3. THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.2924 of 2022  
Date :22/02/2022