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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.12092 of 2022

Murugan
S/o.Sankarapandi

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Suthamalli Police Station,
Suthamalli,
Tirunelveli District
(Crime No.153 of 2022).

... Respondent/Complainant

Murugan
S/o.Sudalai

... Petitioner/Intervener
(in CrI.M.P. (MD) No.8007/2022)

For Petitioner : M/s. Pragalathan.N, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.D.Venkatesh, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C, in Crime No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant asked the first accused to arrange a hand loan for a sum of Rs.50,000/- . The first accused introduced the petitioner/third accused herein to the defacto complainant. In turn, the petitioner



herein introduced the second accused and the defacto complainant borrowed a sum of Rs.50,000/- from the second accused on 17.12.2021. For the said loan, the defacto complainant executed a registered mortgage deed to the tune of Rs.1,00,000/- in favour of the second accused. Even after repaying the borrowed amount with interest, the second accused refused to redeem the mortgage deed. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is only introduced the second accused to the defacto complainant and the mortgage deed executed between the defacto complainant and the second accused and he has not involved in the money transaction between them. He would further submit that it is a civil dispute, which has been given criminal colour. The petitioner did not commit any offence as alleged by the prosecution and he is an innocent persons and the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner has also involved in the occurrence and even after repaying the loan amount, the accused persons refused to return the deed. The document of the defacto complainant is not yet secured from the accused persons. He would further submit that the petitioner is having previous case of similar in nature and the investigation in this case is not yet completed and the custodial interrogation of the petitioner is very much necessary in this case. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the seriousness and gravity of the offence and also considering the bad antecedents of the petitioner and also the facts that the document is not yet secured and the investigation is still pending and the custodial interrogation of the petitioner is very much necessary as stated by the learned Government Advocate (Crl. side), this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
10/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
SUTHAMALLI,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.12092 of 2022
Date :10/10/2022

SP/GB/SAR I/19/10/2022/3P/3C