



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14364 of 2022

M.Delphin Glitus

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Kanyakumari.
(Crime No.34/2022)

... Respondent/Complainant

For Petitioner : Mr.Janarth Kumar.B, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 420, 423, 294 (b) and 506(i) IPC in Crime No.34 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the petitioner was working as Manager in the Finance Company and the defacto complainant obtained loan to the tune of Rs.11,00,000/-. There was default on his part and a loan reschedule was also issued. Later, the defacto complainant lodged a complaint stating that this petitioner along with other co-accused forged the signature of the defacto complainant's father in the reschedule loan application, based upon which the present case has been registered.



3.Now, the learned counsel for the petitioner would submit that the aforesaid reschedule loan application was received by the defacto complainant promising to resubmit the same after receiving the signature of the father, but later, it came to know that the defacto complainant himself has forged the signature of his father and resubmitted the same, over which the petitioner has given a complaint on 25.03.2022, which is much before the date of registration of the present FIR.

4.The learned Government Advocate (Crl.side) for the respondent would submit that no such complainant has been received by the respondent police as stated by the learned counsel for the petitioner.

5.Now, whatever it may be, it is seen that the petitioner is an official attachment in the aforesaid Finance Company. Considering his official position, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court No.1, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police on every Monday at 10.30 a.m., and must cooperate with him to complete the enquiry, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-
10/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.II)
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.I,
NAGERCOIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMAR DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JANARTH KUMAR.B Advocate SR.No.8369

ORDER
IN
CRL OP(MD) No.14364 of 2022
Date :10/08/2022

SP/JM/SAR II/25/08/2022/3P/6C