



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

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20045 of 2022

1. Vijayalakshmi,
2. Syed Kadhar Basha, ... Petitioners/Accused No.1&2

Vs

State Rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy District.
(Crime No.1764/2022).

... Respondent/Complainant

J.Subin ...Petitioner/Intervener/Defacto Complainant
IN CRL MP(MD)No. 14377 of 2022

For Petitioner : M/s.Fazil Kirmani B,Advocate.

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

For Intervenor : Mr.Mr.P.Kannithevan, Advocate.
IN CRL MP(MD)No. 14377 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.1764/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
417, 420, 465 and 467 of IPC, in Crime No.1764 of 2022, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners are
husband and wife. On 23.07.2019, the defacto complainant Bank
(IndusInd Bank) sanctioned loan of Rs.19 lakh to the petitioners
herein on condition to deposit the Memorandum of Title Deed by the
petitioners after registration. But, the petitioners herein has
failed to comply with the agreement after availing the loan.
Further, while the loan process in progress, the petitioners had
transferred the title deed in favour of one Sri Ram Finance. Later,
that was cancelled. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocents and they have not committed any offence as



alleged by the prosecution. He would further submit that while processing the loan or before sanctioning the loan, the defacto complainant had never demanded MOT. Till date, the defacto complainant had never made any legal notice by demanding the petitioners to execute MOT. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor would submit that the original owner is one Balasubramaniam. He executed a power deed in favour of the petitioners. At the time of availing loan the petitioners were instructed to produce the title deed. After several demands, they failed to produce the same. Thereafter only, they came to know that the accused persons received the loan from the defacto complainant's bank by suppressing the previous loan and default the repayment. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that the investigation is in preliminary stage and the custodial interrogation of the petitioners are necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the investigation is in preliminary stage and the custodial interrogation of the petitioners are necessary, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/11/2022

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/12/2022

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

TO

1 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.FAZIL KIRMANI B Advocate SR.No.13850(I)
+1. CC to M/S.G.THIRUVARUTSELVAN, Advocate SR.No.13835(I)

ORDER

IN

CRL OP(MD) No.20045 of 2022

Date :28/11/2022

DSS

<https://www.mhco.org.in/Portals/0/Files/1/12.12.2022/2P/5C>