



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022

PRESENT

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

CRL OP(MD) . Nos.20835 and 20929 of 2022

WEB COPY

Rejeesh

... Petitioner/Accused No.1
in Crl.OP(MD).20835/2022

Gopakumar

... Petitioner/Accused No.2
in Crl.OP(MD).20929/2022

Vs

1.The Deputy Superintendent Of Police,
District Crime Branch,
Tiruchirapalli District.

2.The Inspector of Police,
District Crime Branch,
Tiruchirapalli District.
Crime No.28/2022.

... Respondents/Complainants
in both CRL OP's

In both petitions:-

For Petitioner : M/s.Ananth C.Rajesh, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : Mr.C.M.Arumugam, Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.28/2022 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.28 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the Chief Managers of the Punjab National Bank. The defacto complainant availed loan a sum of Rs.3,60,00,000/- and Rs.25,00,000/-. Since the defacto complainant has not paid the EMI amount, SARFAESI proceedings was initiated and e-auction was also conducted and the third accused, by name, M.Chandrasekaran was declared as successful bidder. After making payment of Rs.1,61,20,760/-, the sale



certificate was issued in his name. While so, the complainant gave a complaint against the petitioners stating that the petitioners sold the property to a lowest property. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are the Chief Managers and they have no intention to sell the property to a lowest price. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that since the petitioners have committed forgery, misappropriation, criminal conspiracy and cheating the defacto complainant, custodial interrogation is necessary. He would further submit that in this case, enquiry is in preliminary stage. Hence, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioners.

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

6.Accordingly, these criminal original petitions are dismissed.
sd/-

29/11/2022

/ TRUE COPY /

/12/2022

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 Deputy Superintendent Of Police,
District Crime Branch,
Tiruchirapalli District.

2.The Inspector of Police,
District Crime Branch,
Tiruchirapalli District.



Crl.O.P.



of

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.ANANTHA C.RAJESH, Advocate (SR-13962[I], SR-13963[I]
dated 30/11/2022)

+2 CC to M/s.C.M.ARUMUGAM, Advocate (SR-13994[I], SR-13995[I] dated
30/11/2022)

ORDER IN

CRL OP(MD) Nos.20835 & 20929 of 2022

Date :29/11/2022

skn

RS/BUC/SAR.3(02.12.2022) 3P-8C