



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4797 of 2023

1. Karthick

2. Saranya

3. Satheeshkumar ... Petitioners/Accused Nos.2 to 4

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
Crime No.10/2023.

... Respondent/Complainant

For Petitioners : M/s.Poornachandran S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

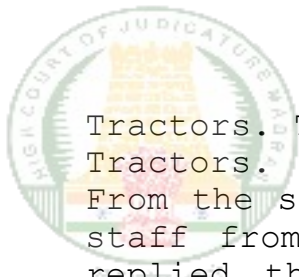
PRAYER :-

For Anticipatory Bail in Crime No.10/2023 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 120B, 294(b) and 506(i) of I.P.C., in Crime No.10 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that he is working as a Manager in Cholamandalam Investment Finance Company Limited, and they used to lend vehicle loans. Eight persons entered into a contract with him for purchasing



Tractors. The entire amount has been transferred to Sri Gowmariamman Tractors. The first instalment was also paid through one Madhan. From the second month, they failed to pay the instalments. When the staff from the defacto complainant approached the borrowers, they replied that their documents have been given to one Madhan for getting a subsidy. Thereby, all the accused persons conspired together in order to cheat the defacto complainant's company. Upon 8 Tractors, the complainant company repossess 5 Tractors. The remaining 3 tractors could not be reposed by the defacto complainant's company. When the same was questioned by the complainant, one Balamurugan and Madhan intimidated the complainant. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that there are totally six accused, in which, the petitioners are arrayed as A.2 to A.4 and they are partners of Sri Gowmariamman Tractors. They applied for loan to purchase Tractors in the name of 8 fictitious persons and availed loans to the tune of Rs.53 lakhs. After repayment of one due, they defaulted in payment of the due amount. The petitioners are dealers. On verification, the tractors, which were sold out in the name of fictitious persons, were found in the showroom. Thereafter, the Finance company repossessed 5 tractors and the remaining 3 tractors could not be able to repossess.

5. However, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to deposit some amount as directed by this Court in order to show their bona fide.

6. Taking into consideration the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

Accordingly, the petitioners jointly shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) directly to the defacto complainant by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order and on production of the acknowledgement card, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on the further condition that:



[a] the petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/03/2023

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/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4797 of 2023

Date :15/03/2023