



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

Date : 20/03/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.5209 of 2023

1. Vijayalakshmi

2. Syed Kadar Batcha ... Petitioners/Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy District.

in Crime No.1764/2022. ... Respondent/Complainant

For Petitioner : Mr.L.Siva,
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.1764 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

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

2. The case of the prosecution is that the petitioners are
husband and wife. On 23.07.2019, the de-facto 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 case.

3.Heard. Perused the materials available on record including
the First Information Report.



4. Even according to the case of the prosecution is that the petitioners have failed to deposit their title deeds with the de-facto complainant Bank.

5. Now the learned counsel for the petitioners undertakes that the petitioners are ready and willing to deposit the title deed in favour of the de-facto complainant bank within a period of two weeks.

6. Considering the said undertaking given by the petitioners' counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, 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 No.II, Trichy, 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 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 deposit the title deeds not less than the value of Rs.25 lakhs in favour of the de-facto complainant, without prejudice to their rights and contentions before the learned Magistrate. The petitioner shall produce the receipt/acknowledgment before the learned Magistrate at the time of furnishing sureties.

[c] the first petitioner shall report before the respondent police as and when required for interrogation; and the second petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



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

sd/-
20/03/2023

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/ TRUE COPY /

/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to L.SIVA Advocate SR.No.4569

ORDER
IN
CRL OP(MD) No.5209 of 2023
Date :20/03/2023

SS/BUC/SAR IV/30/03/2023/3P/6C