



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/03/2023
PRESENT

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

CRL OP(MD) . No.5487 of 2023

1. Thiruppathi,
 2. Vijyaramalingam,
 3. Abraham Edwin Raj @ Abrahamlingan
- ... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
In Crime No.429 of 2022. ... Respondent/Complainant

For Petitioner : Mr.M.MOHAMED SHERBUDEEN,
Advocate.
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

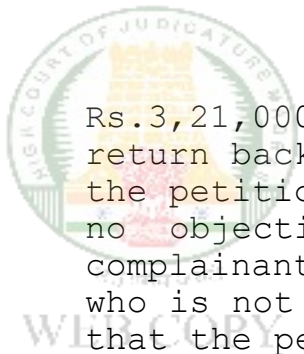
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.429 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 467, 468 and 506(i) of I.P.C., in Crime No.429 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in the year 2018, the de-facto complainant's brother availed a business loan of Rs.3,50,000/- from M/s.Shriram Transport Finance Company Limited and the de-facto complainant stood as guarantor. For which, the de-facto complainant has deposited her title deed with the petitioner's finance company. During Corona period, they unable to continue the loan and on 20.04.2022, the petitioners came to the house of the de-facto complainant and insisted her to settle the loan accounts. Thus on 26.04.2022, the de-facto complainant settled the due of



Rs.3,21,000/- with the petitioners and the petitioners as to return back the title deed and no objection certificate. Thereafter, the petitioners returned the original title deed and refused to give no objection certificate and also informed that the de-facto complainant to settle another vehicle loan obtained by one Vinoth, who is not known to the de-facto complainant. Later, he came to know that the petitioners by putting the de-facto complainant's signature in the said Vinoth loan transaction and stood her as his guarantor. Hence, the case.

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

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

5.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, Manamadurai, Sivagangai District, 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 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].



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CRL OP(MD).



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

sd/-
24/03/2023

/ TRUE COPY /

/04/2023

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

SJI

TO

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

+1. CC to M.MOHAMED SHERBUDEEN Advocate SR.No.4842

ORDER

IN

CRL OP(MD) No.5487 of 2023
Date :24/03/2023

SA/CG/SAR.3/03.04.2023/3P/6C