



WEB COPY

CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.04.2023

PRESENT

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

CRL OP(MD)No.6326 of 2023

Sasikumar

... Petitioner/Sole Accused

Vs

The State by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.1036 of 2020)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

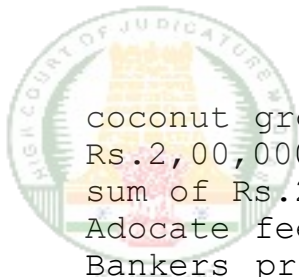
PRAYER :-

For Anticipatory Bail in Crime No.1036 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 & 306 IPC in Crime No.1036 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the victim. In the year 2012, the victim borrowed a sum of Rs.15,00,000/- from Muthoot Bankers towards home loan. The victim repaid nearly about Rs.6,50,000/- through instalments and remaining amount of Rs.8,50,000/- was not paid. In the year 2015, the Banker took recovery steps by attaching the house. Therefore, the victim met the petitioner herein and he assured that he will resolve the issue through consultation with the Bankers. Prior 15 months back the victim paid a sum of Rs.4,00,000/- by mortgaging his



coconut grove belongs to him. Thereafter, the victim paid of Rs.2,00,000/- and even prior to one year, the victim paid another sum of Rs.2,00,000/-. The victim also paid a sum of Rs.2,00,000/- as Advocate fee. But no amount was paid to the Bank and therefore, the Bankers proceeded to bring the house for auction. When the victim questioned the petitioner, he denied the receipt of the amount and he did not respond to the phone call made by the victim. On 06.10.2020, the victim left the house by informing that he is going to meet the petitioner. At about 12.00 noon, the defacto complainant received a phone call informing that the victim committed suicide by consuming poison at Dindigul. Hence, the case.

3. Heard both sides and perused the materials available in the record.

4. It is seen that the petitioner, who is an Advocate, had appeared for deceased before the Additional District and Sessions Judge, Dindigul for the proceedings initiated under SARFAESI Act as against the deceased. The deceased borrowed loan from the Muthoot Bank and subsequently, there was default committed by him and as such, the bank initiated proceedings under SARFAESI Act before the Tribunal. Hence, the deceased engaged the petitioner to conduct the case. By an order dated 20.10.2020, the Tribunal passed a conditional order in I.A.No.1118 of 2020 to pay a sum of Rs.2,81,000/- on or before 19.11.2020. In order to comply the said order, the deceased gave money to the petitioner. After receipt of the same, the petitioner failed to comply the said condition. Therefore, the Banker proceeded with the auction of the property under SARFAESI Act. Hence, the deceased committed suicide by consuming poison before the Collector Office, Dindigul.

5. Though the case was registered in the year 2020, the respondent police did not take any steps to secure the petitioner so far. It is clear case of cheating. For the past three years, the case is pending and the respondent police did not secure the petitioner. This Court contemned the action of the respondent police in non-securing the petitioner for completing the investigation. The custodial interrogation of the petitioner is very much necessary in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

05/04/2023

/ TRUE COPY /

/05/2023

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



CRL OP(MD)



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GNS
TO

1 THE INSPECTOR OF POLICE
DHADIKAMBU POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6326 of 2023

Date :05/04/2023

SA/MMS/SAR-2/17.05.2023/ **3P/3C**