



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

Date : 10/03/2023

PRESENT

WEB COPY

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

CRL OP(MD).No.8451 of 2022

Pitchai

... Petitioner/Accused No.8

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch,
Madurai District.
(Cr.No.43 of 2020)

...Respondent/Complainant

For Petitioner : Mr.Niranjana S.Kumar
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.43 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 465, 467, 468, 471 and 420 of IPC, seeks anticipatory bail.

2.The case of the prosecution, in brief, is as follows:

2.1.The defacto complainant is the Branch Manager of Karur Vysya Bank, Mattuthavani Branch, Madurai. In the month of February 2019, Accused No.1 in this case introduced Accused Nos.2, 4 and 6 to the defacto complainant and informed him that the above said accused proposed to purchase house properties at Mathoor Village, Madurai District and they have also entered into a sale agreement with the original owners and requested him to grant loan and all the petitioners have produced a copy of the sale agreement and also the report submitted by the Bank Engineer, who was arrayed as Accused No.11 in this crime.

2.2.Based on the documents submitted by the petitioners and also the valuation report submitted by Accused No.11, the Bank has



granted loan for a sum of Rs.22,50,000/- to Accused No.2 and a sum of Rs.53,63,000/- to Accused No.4 and another sum of Rs.20,27,000/- to Accused No.6.

2.3.Subsequently, on re-inspection of all the documents produced by the accused in this case, a doubt has arisen and hence, a field inspection was conducted by the bank officials and it was found that all the documents produced by the petitioners are forged one and there is no house situated in the above land and it is kept as a vacant site. That apart, the planning permission, house tax receipt and electricity bill are also forged documents. Thus, all the accused cheated the bank and also committed forgery. Even though the accused have paid some installments, subsequently, they failed to repay the loan amount and the loan amount has been declared as 'Non Performing Assets'. When the defacto complainant approached the accused, they have criminally intimidated him. Hence, the complaint.

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

4.It is seen that there are totally eleven accused, in which, the petitioner is arrayed as A8 and the co-accused were already arrested and released on bail. Therefore, custodial interrogation of the petitioner does not require, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m for a period of four weeks and thereafter as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
- 3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NIRANJAN.S.KUMAR Advocate SR.No.4002

ORDER

IN

CRL OP(MD) No.8451 of 2022

Date :10/03/2023

SS/CG/SAR II/23/03/2023/3P/6C