



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6850 of 2023

Madhankumar @ Madhan

... Petitioner/Accused No.6

Vs

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

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

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

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

PRAYER :-

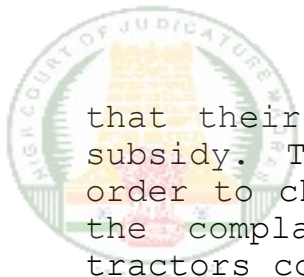
For Anticipatory Bail in Crime No.10 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 120(b), 294(b) and 506(i) of IPC, in Cr.No.10 of 2023 on the file of the respondent police, seeks 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 installments. When the staff

From the de-facto complainant approached the borrowers, they replied



that their documents have been given to one Madhan for a subsidy. Thereby, all the accused persons conspired together in order to cheat the de-facto complainant's company. Upon 8 Tractors, the complainant company repossess 5 Tractors. The remaining 3 tractors could not be reposed by the de-facto complainant's company. When the same was questioned by the complainant, one Balamurugan and Madhan intimidated the complainant.

3.The learned counsel for the petitioner would submit that this Court while granting anticipatory bail to A2 to A4 has observed that there are totally six accused, that the accused 2 to 4 were the partners and they had obtained loan to purchase Tractors in the name of 8 fictitious persons and availed loans to the tune of Rs.53 lakhs. He would further that since the accused 2 to 4 were also ready and willing to deposit some amount, this Court has granted anticipatory bail to A2 to A4 and also directed to jointly deposit a sum of Rs.10,00,000/- to the de-facto complainant by way of demand draft and imposing other conditions.

4.In pursuance of the said direction, A2 to A4 have already paid a sum of Rs.10,00,000/- to the de-facto complainant.

5.The learned Additional Public Prosecutor for the respondent would also concede the submissions made by the learned counsel for the petitioner and he would further submit that the petitioner and the fifth accused are the sales manager in the company owned by A2 to A4. The petitioner is not having any previous case.

6.The learned counsel for the petitioner would further submit that the petitioner is ready and willing to deposit a sum of Rs.50,000/- to the credit of Crime No.10 of 2023 before the concerned Court, without prejudice to his rights and contentions.

7.Considering the facts and circumstances of the case and also the fact that the petitioner is ready and willing to deposit a sum of Rs.50,000/- to the credit of Crime No.10 of 2023 before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.10 of 2023 on the file of the learned Judicial Magistrate, Theni, without prejudice to his rights and contentions.

9.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further



(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 10.30 am for a period of one month 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/-
13/04/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE, 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.

+1. CC to M/S.R.L.DHILIPAN PANDIAN Advocate SR.No.5899(I)

ORDER

IN

CRL OP(MD) No.6850 of 2023

Date :13/04/2023

PKP/BUC/SAR-1/26.04.2023/ 3P/6C

<https://www.mhc.tn.gov.in/judis>