



CRL OP(MD). No.7753 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

PRESENT

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

CRL OP(MD). No.7753 of 2023

Jothivenkatachalam

... Petitioner/ Accused No.1

Vs

State rep., by
The Inspector of Police,
Sessions Court Police Station,
Trichy City.
In Crime No.152/2023.

... Respondent/Complainant

(*)2 R.Subramanian, M/59
S/o.Ramasamy,
MIG, 647, Manickampalayam Housing Unit,
Erode - 638011.

(*)(R2 is Impleaded as per order of this Hon'ble Court in
CRL MP(MD).12039/2023 in CRL OP(MD).7753/2023
dated 18/08/2023 by GIJ)

For Petitioner	:	Mr.D.Senthil, Advocate
For Respondent	:	Mr.R.M.Anbunithi, Additional Public Prosecutor(Crl.Side)
For Intervenor	:	Mr.Sivabalan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 152 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 120B 467, 471 and 468 of I.P.C., in Crime No.152 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family needs the defacto complainant availed loan for a sum of Rs.1,50,000/- from the petitioner and for security she handed over 6 cheques belongs to her and her husband. Thereafter, the defacto complainant repaid the loan amount. But, the petitioner refused to return the cheque. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the petitioner had lent a sum of Rs.1,50,000/- to the defacto complainant and at the time of borrowal of loan, she handed over the cheque and pro-note. Even after repayment of entire loan amount and interest, the petitioner failed to return the cheque. That apart, he handed over the cheque to A2 and A2 initiated proceedings under Section 138 of NI Act as against the defacto complainant. On perusal of the records, it was revealed that the defacto complainant paid interest through bank account of the petitioner herein.

5. The learned counsel for the petitioner submitted that the petitioner is ready and willing to return the cheque and pro-note, which was received at the time of



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lending money to the defacto complainant.

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6. In view of the above submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

(*)7. Deleted

8. On such protection of cheque and pro-note and after getting acknowledgement, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruchirappalli, 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 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 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 morning at 10.30 am., and evening at 05.30 pm., for a period of three weeks and thereafter, as and when required for interrogation.



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[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].

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

sd/-
25/04/2023

(*)Modified as per order of this Hon'ble Court in CRL MP(MD).11655 & 11656 of 2023 in CRL OP (MD).7753/2023 dated 18.08.2023 GIJ

The time is extended for fifteen days to comply the condition imposed in CRL OP(MD)No.7753 of 2023 dated 25.04.2023

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/09/2023

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

RMK



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TO

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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
18.05.2023

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

+2 CC TO MR.D.SENTHIL, ADVOCATE, SR-39291[F] & SR-39292[F] Dated
18.08.2023

ORDER

IN

CRL OP(MD) No.7753 of 2023

Date :25/04/2023

PKP/VR/SAR-4/17.05.2023/ 5P/7C

RS/JGB/SAR-(22.09.2023) 5P 7C

Madurai Bench of Madras High Court is issuing
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