



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

Date : 26/04/2023

PRESENT

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

CRL OP(MD) . No.7762 of 2023

R Subramanian

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

For Petitioner : Mr.V.Selva,
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.152/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 120(B), 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 her family needs, the de-facto complainant borrowed a sum of Rs.1,50,000/- from the first accused and for the security purpose, she handed over 6 cheques to the first accused. she paid the interest regularly. Thereafter, the de-facto complainant has closed the entire loan amounts and after repaying the amount, the first accused not handed over the cheques and now he set up the petitioner and initiated the proceedings under Section 138 of N.I. Act in S.T.C.No.512 of 2022 on the file of the Fast Track Court No.I, Erode.



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

4.It is seen that the de-facto complainant borrowed a loan of Rs.1,50,000/- to the first accused. At the time of borrowal of loan, he handed over 6 pro-notes even after returning of the entire amount, the first accused failed to return the same. The said cheques were misused by A1. Earlier, the petitioner, who is arrayed as A2, also initiated proceedings under Section 138 of N.I Act in S.T.C.No.512 of 2022 on the file of the Fast Track Court No.I, Erode. The first accused was already arrested and released on bail by this Court on condition that he was returned the entire cheques and pro-notes to the de-facto complainant. However, the petitioner is not ready and willing to withdraw the complaint and refused to return back the cheques. Therefore, the custodial interrogation of the petitioner is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/04/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Inspector of Police,
Sessions Court Police Station,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.SELVA, Advocate (SR-6618[I] dated 26/04/2023)

ORDER
IN
CRL OP(MD) No.7762 of 2023
Date : 26/04/2023

NA/VR/SAR-3/04.05.2023/2P/4C