



WEB COPY

CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10075 of 2023

Ramakrishnan

... Petitioner/Sole Accused

Vs

State rep. By

The Inspector of Police,
Cumbum North Police Station,
Theni District.

(Crime No.365/2022). ... Respondent/Complainant

For Petitioner : Mr.M.Eswaran,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

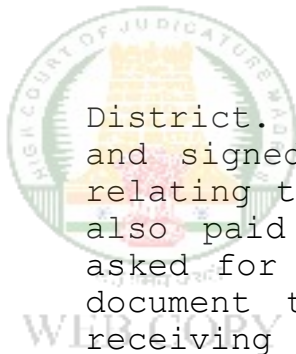
For Anticipatory Bail in Crime No.365 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 465 and 506(ii) of IPC and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 in Crime No.365 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant mortgaged the property and received loan from the petitioner. The defacto complainant had repaid the interest in the petitioner's account. The petitioner insisted the defacto complainant to execute the sale agreement of a land in Survey No.391/2A at Anumanthapatti Uthamapalayam Sub Division, Periyakulam Registration

<https://www.judis.nic.in/>



District. The defacto complainant also came to the register and signed in some of the documents assuming that the documents relating to sale agreement. Thereafter, the defacto complainant had also paid the interest properly. Though the defacto complainant asked for a copy of the document, the petitioner did not give the document till date and he assured to cancel the mortgage after receiving the principal and interest from the defacto complainant. When the defacto complainant had applied for encumbrance on 09.08.2022, he found that the petitioner had registered the sale on 05.10.2021 itself from the defacto complainant for a sale price of Rs.4,12,000/-. Hence, the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the crime had occurred in the year 2021, whereas the complaint was lodged in the year 2022. Though the petitioner has involved in some other offences under Sections 188, 506(i) of IPC, the custodial interrogation of the petitioner does not require.

5. Taking into consideration of the facts that the custodial interrogation of the petitioner does not require, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. Accordingly, 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, Uthamapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 at 10.30 am., and 05.30 p.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].

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

sd/-
12/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN
TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10075 of 2023
Date :12/06/2023

PKP/CG/SAR- /15.06.2023/ **3P/5C**