



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.12657 of 2022

WEB COPY

Sudalaimadan

...Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
Surandai Police Station,
Thirunelveli District.
(in Cr.No.86 of 2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.86 of 2020.

For Petitioner : Mr.B.Fazil Kirmani

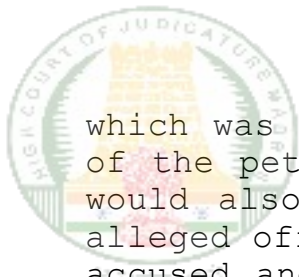
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(b), 406, 420 IPC in Crime No.86 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Suthatharani who is working as Branch Manager, State Bank of India, Surandai Branch is that the accused 4 and 6 availed a loan of Rs.89,91,000/- by mortgaging 8000 paddy bags and since the accused had not repaid the loan, 3980 paddy bags were auctioned. Thereafter, on verification it came to know that the remaining 3970 paddy bags were locked and sealed in the godown and the petitioners and along with other accused had mortgaged the rice mill, machineries and godown in Axis Bank and due to non-payment of the loan, the rice mill and godown were sealed by the Axis Bank. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would also submit that other than being the owner of the godown the petitioner has nothing to do with the alleged offence. He would further submit that originally the accused 4 and 5 have obtained loan from the State Bank of India by mortgaging the stock



which was inside the godwon and subsequently, without the knowledge of the petitioner, they have also obtained loan from Axis Bank. He would also submit that the petitioner has nothing to do with the alleged offence and he is a victim due to the acts done by the other accused and he is not receiving the rent due to him. He would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner being the owner of the premises had fabricated the documents to aid other accused to cheat the defacto complainant and investigation is pending and he would oppose for grant of anticipatory bail to the petitioner.

5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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, Alangulam, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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 F.I.R. can be registered under Section 229A IPC.

sd/-
14/02/2023

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/ TRUE COPY /

/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM,
TIRUNELVELI.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TIRUNELVELI
DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.FAZIL KIRMANI B Advocate SR.No.8150

ORDER
IN
CRL OP(MD) No.12657 of 2022
Date :14/02/2023

MGJ/VA/BUC/SAR I/01/03/2023/3P/6C