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CRL OP(MD)A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.06.2023

PRESENT

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

CRL OP(MD)No.11480 of 2023

SELVARAJ

... PETITIONER/ A 10

VS

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB)
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.23 OF 2023)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.Vishnuvardhan

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

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

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A10, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 409, 420, 465, 468, 471, 472, 120(B) IPC in Crime No.23 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of the Central Bank of India, Thoothukudi. A1 in this case is a former Manager and A2 is the legal counsel of the above said Bank. They colluded with each other and borrowed loan by using forged documents and cheated the Bank. Hence, the case.



3. Heard both sides and perused the materials available on record.

4. According to the case of the prosecution, A1 was working as Manager in Central Bank of India, Thoothukudi. He approved loan in favour of A2 to A5, after receiving fake documents and also obtained legal opinion from A6 and discharged loan to the tune of Rs.7.5 Crores. A2 to A5 were identified and attested by the petitioner herein. Now, some of the accused persons were arrested and released on bail. A2 is still absconding. Insofar as the petitioner herein is concerned, he attested the loan applications. Therefore, his custodial interrogation does not required in this case.

5. Considering 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 No.IV, Thoothukudi, 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 05.00 pm., 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 FII registered under Section 229A IPC.

sd/-
28/06/2023

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/07/2023

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

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TO

1. THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI
2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB)
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC TO S.VISHNUVARDHAN ADVOCATE SR.NO.9748. Dt.28.06.2023.

ORDER
IN
CRL OP(MD) No.11480 of 2023
Date :28/06/2023

SI (06.07.2023) 3P/ 6C