



CRL OP(MD). No.17134 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17134 of 2023

Sivarajan

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
City Crime Branch,
Trichy.
(Crime No.14 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Sivabalan.K,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.14 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.2, apprehending arrest at the hands of the respondent

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.17134 of 2023

police for the alleged offence punishable under Sections 406, 420, 506(i) of IPC in

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Crime No.14 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant wants to obtain loan from the Bank to meet her family expenses. But, since she and her husband are aged persons, the Bank Manager refused to give loan to them. At that time, the accused persons were introduced themselves to the defacto complainant and assured them that they will arrange loan amount in the name of first accused and give half of the loan amount them. For that purpose, they demanded the document pertaining to the house of the defacto complainant. The defacto complainant also gave surety for the above said loan. Thereafter, Rs.38,00,000/- (Rupees Thirty Eight Thousand only) was sanctioned as loan amount in the name of the first accused. The first accused transferred the amount to his friends' account. But, they did not give the half of the money as they agreed earlier. They cheated the defacto complainant and her husband. The first accused did not repay the loan amount or not even paid the interest to the Bank. Therefore, the Bank demanded the defacto complainant to settle the loan along with interest. When the same was informed to the accused persons, they threatened the defacto complainant and her husband with dire consequences and criminally intimidated them. Hence, the complaint.



CRL OP(MD). No.17134 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He is not the main accused. Only in the presence of this petitioner the document was handed over to the first accused. Except that there is no other allegation against this petitioner. Hence, he prays anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the investigation in this case is still pending. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. Even though major allegation has been made out against the first accused, so far this petitioner is concerned, in his presence only the above said document has been handed over to the first accused. With regard to the money transfer, this petitioner is not involved. Even though he received summons, it appears that he appeared only once before the respondent police. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.



CRL OP(MD). No.17134 of 2023

WEB COPY

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Trichy, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police on every Sunday at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD). No.17134 of 2023

TO
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1. The Judicial Magistrate No.I, Trichy.
 2. Do-Through The Chief Judicial Magistrate,
Trichy District.
 3. The Inspector of Police,
City Crime Branch,
Trichy.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.SIVABALAN, Advocate (SR-14044[I] dated 22/09/2023)

ORDER
IN
CRL OP(MD) No.17134 of 2023
Date :22/09/2023

RK /MGA(06/10/2023) 5P / 6C
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