



CRL OP(MD)No.19997 of 2023

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

Date : 17.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19997 of 2023

1.Balaji

2.Thangaraj

... Petitioners / Accused No.1 and 2

Vs

The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.200 of 2023)

... Respondent / Complainant

For Petitioners : Mr.S.Moorthy, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.200 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



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the offences punishable under Sections 406 and 420 IPC in Crime No.200 of 2023,
seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.3,00,000/- as housing loan from the finance company, wherein, the petitioners herein were working. Thereafter, the defacto complainant paid instalment for a period of 15 months and thereafter, he failed to pay the instalment. On 19.10.2020, a legal notice was sent to the defacto complainant to repay the balance amount of Rs.2,10,000/- and hence, he arranged the said amount and gave it the same to the petitioners herein. Thereafter, they did not return the original document of the defacto complainant. On 02.03.2021, the defacto complainant received a phone call from the finance company and they informed him that there is a due and requested him to repay. On enquiry, he came to know that the petitioners herein after receiving the money, without giving credit to the company, they taken the amount and they also failed to return the document to the defacto complainant. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent



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police would submit that the investigation is pending.

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5.Heard both sides and perused the materials available in the records.

6.On perusal of records, it is noticed that the petitioners herein received money from the defacto complainant and without giving credit to the finance company, they taken the amount and after completeing the loan, they failed to return the defacto complainant's document.

7.Considering the specific allegations levelled as against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
17/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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ED/ JGB /SAR- (21/12/2023) 4P / 3C

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