



CRL OP(MD) No.109 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.109 of 2024

1 KETHZIAL ELANGO

2 MATHIYALAGAN

... PETITIONERS / ACCUSED NOS. 1 & 4

Vs

**THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.
CR.NO.16/2023**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S AYYANAR PREM KUMAR, Advocate

**For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Criminal Side)**

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CR.NO.16/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-



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The petitioners, who are arrayed as A1 and A4 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406 and 420 IPC in Cr.No.16 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners obtained loan from the defacto complainant's bank for a sum of Rs.15,40,000/- for starting a business and the amount was also credited in the accounts of the petitioners. However, the petitioners neither started a business neither paid back the loan amount. It is also alleged that the petitioners have submitted forged quotation and hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. On instructions, he would further submit that the petitioner No.1 is ready to repay the loan amount periodically and as a first installment, the first petitioner is ready to pay Rs.1,50,000/- within two weeks. Accordingly, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that since the defacto complainant was cheated for huge sum of money by the petitioners, a case has been registered.

5. Considering the facts and circumstances of the case and considering the submission now made by the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Tirunelveli, on condition that the petitioners 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the first petitioner shall make payment of a sum of Rs.1,50,000/- (Rupees one Lakh and fifty thousand only) within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioners on such payment being made and proof filed by the first petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank



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pass Book to ensure their identity;

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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 petitioners 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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S AYYANAR PREM KUMAR, Advocate (SR-199[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.109 of 2024
Date :04/01/2024

PKP/DD/SAR- /10.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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