



CRL OP(MD) No.2761 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2761 of 2024

MAHENDRARAJA

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY CITY.
CRIME NO.14 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.RAMAKRISHNAN, Advocate
for Mr.K.RAJESH, Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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, who apprehends arrest at the hands of the respondent police for
the alleged offence under Sections 406, 420 and 506(i) IPC, in Crime No.14 of 2023,



seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant approached the Bank for mortgaging her property, however, the defacto complainant and her husband being senior citizens, were not able to get the loan and have told the said thing to one Rajendran, who is the accused No.4 The accused No.4 has introduced the petitioner herein, who is running a Medical Shop and was also in the need of money. Believing their words, the defacto complainant mortgaged her property in the name of the petitioner/accused No.1 for a sum of Rs.38,00,000/-, out of which, the first accused has taken a sum of Rs.24,61,400/- without the knowledge of the defacto complainant and he has given only a sum of Rs.9,60,000/- to her and he failed to repay the loan amount and dues to the Bank. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that after filing of this complaint, the petitioner has paid a sum of Rs.15,00,000/- to the Bank and he is ready to settle the entire dues.

4. The defacto complainant, who is a Senior Citizen, appeared before this Court and stated that it would suffice if this Court directs the petitioner to settle the entire dues and on receipt of the amount, the Bank may return the original document



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belonging to her. If the petitioner fails to pay the entire amount to the Bank, the respondent Police may be directed to arrest the petitioner and remand him into judicial custody.

5.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the undertaking given by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, 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 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 petitioner 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;



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(b) 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 pass Book to ensure their identity;

(c) as per the undertaking given by the petitioner, the petitioner shall pay the entire dues to the concerned Bank within a period of four weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted by this Court shall stand automatically cancelled;

(d) if the petitioner fails to pay the entire dues within a time stipulated by this Court, the respondent Police are directed to arrest the petitioner and remand him into judicial custody;

(e) if the petitioner settles the entire loan amount, the concerned Bank is directed to return the original document to the defacto complainant;

(f) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) the petitioner shall not abscond either during investigation or trial;

(i) 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



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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]; and;

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

sd/-
27/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

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 CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.RAJESH, Advocate (SR-3899[I] dated 28/03/2024)



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ORDER
IN
CRL OP(MD) No.2761 of 2024
Date :27/03/2024

SA/GS/SAR. /12.04.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.