



CRL OP(MD). No.15895 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15895 of 2024

Xavier @ Xavier Uvari Antony

... Petitioner/Sole Accused

Vs

State of Tamil Nadu Rep By,
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.286/2024..

... Respondent/Complainant

For Petitioner : Mr.A.Karthik,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.286/2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 419, 420 of IPC, in Cr.No.286 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant obtained a loan from the State Bank of India and it became overdue. Subsequently, he approached the Court and as per the order of the Court, he had taken a DD for a sum of Rs.5,00,000/- by getting loan from the petitioner by mortgaging the deed in respect of agricultural land and gave it to the bank authorities. But, the bank authorities refused to receive the same and hence, he kept the said DD in his house. Whiles, the State Bank of India has taken attachment proceedings of his house and the Bank Officials have taken the DD also. On knowing the same, the petitioner herein has cancelled the DD at drawer bank viz., Federal Bank and withdrew a sum of Rs.5,00,000./-. Even after receiving the amount by cancelling the DD, the petitioner failed to return the documents relating to agricultural field to the defacto complainant. Hence, the complaint.

3.Heard both sides.

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



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4.Considering the nature of the allegations, which are mentioned in the complaint that he had given the document to the petitioner and got Rs.5,00,000/- demand draft in favour of the bank, but however, the petitioner again took the demand draft and encashed the same by impersonating the defacto complainant and that he is requesting the return of the document, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;



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(b)the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of three 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]; and;

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

sd/-
23/09/2024

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/10/2024

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

DSS

TO

1. The Judicial Magistrate, Uthamapalayam



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2. Do-Through The Chief Judicial Magistrate,
Theni District.

3. The Inspector of Police,
Chinnamanur Police Station,Theni District.

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

+1 CC to M/s.A.KARTHIK, Advocate (SR-11590[I] dated 23/09/2024)

ORDER
IN

CRL OP(MD) No.15895 of 2024

Date :23/09/2024

RK/MMS (10/10/2024) 5P / 6C

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