



CRL OP(MD). No.20372 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Selvam @ Selvakumar
2. Marimuthu
3. Ram Kumar

... Petitioners/ Accused No.1 to 3

Vs

The Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No. 431 of 2024)

... Respondent/Complainant

For Petitioners : Mr.T.Antony Arulraj, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For Intervener : Mr.B.Fazil Kirmani, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.431 of 2024 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 the alleged offence under Sections 417, 420 of IPC in Crime No.431 of 2024 on the file



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of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that A1 had availed a loan of Rs.11 lakhs in the year 2022 and executed a promissory note in favour of the defacto complainant. At the time of executing promissory note, A1 handed over the original title deed in respect of property to the defacto complainant as a security. 1% interest was paid by A1 for a period of 11 months and thereafter, no amount was paid. Thereafter, the defacto complainant verified and found that A1 and others had executed a sale deed, dated 03.08.2023 with respect to the same property, which was given a security in favour of the the defacto complainant and he also found that the accused persons had obtained Non-traceable Certificate from the police, as if, they lost the original sale deed and thereafter, executed the sale deed in favor of A3 and whereas, the original document was handed over to the defacto complainant. In order to cheat the defacto complainant, all the accused persons have joined together and deprived the defacto complainant of the security that was given to him at the time of granting loan to A1.

3.Heard the learned counsel appearing for the petitioners, learned counsel for the intervener and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.In the instant case, the property is said to have been given as a security to the defacto complainant. Even according to the defacto complainant, what was handed



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over to the defacto complainant is the original document, pertaining to the property.

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No mortgage deed was executed while by handing over the original document and there is no document to substantiate the same. The original document is available with the defacto complainant and based on which, the criminal complaint has been given.

5.Taking into consideration of the facts and circumstances of the case and the nature of transaction between the parties and also considering the fact that the entire case is borne out by records, custodial interrogation may not be required in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory 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, Uthamapalayam, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.



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[b] the petitioners 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
26/11/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

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.T.ANTONY ARULRAJ, Advocate (SR-14550[I] dated 26/11/2024)

ORDER

IN

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Date :26/11/2024

RS/GSV/SAR-(03.12.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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