



CRL OP(MD). No.20671 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20671 of 2024

Madhankumar,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No. 745/ 2024).

... Respondent/ Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.745 of 2024 on the file of the Respondent police.



CRL OP(MD). No.20671 of 2024

ORDER: The Court made the following order :-

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The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent Police for the offences under Sections 120(B), 406 and 420 of IPC in Crime No.745 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the *defacto* complainant was the owner of the property. She and her husband had availed mortgage loan from a private financial company to the tune of Rs.6,00,000/-. The petitioner was introduced to the *defacto* complainant and he informed that arrangement will be made to close the mortgage loan and to arrange for further mortgage loan. The petitioner introduced one Manikandan, who financed and closed the mortgage loan availed by the *defacto* complainant. Thereafter, the original documents were handed over to the petitioner. The understanding was that the sale deed will be executed in favour of the petitioner and the petitioner will mortgage the property and will pay a sum of Rs.26,00,000/- to the *defacto* complainant. However, the sale deed was executed in favour of Accused No.2 and the accused persons did not act in accordance with the promise that was made to the *defacto* complainant. There are totally two accused persons in this case and the petitioner has been arrayed as accused No.1.



CRL OP(MD). No.20671 of 2024

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3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

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

5. Accordingly, the petitioner is ordered to be released on anticipatory 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.VI, Madurai, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Monday, Wednesday and Friday at 05.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation;



CRL OP(MD). No.20671 of 2024

WEB COPY

[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 269 of BNS 2023.

sd/-
27/11/2024

/ TRUE COPY /

/12/2024

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

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



CRL OP(MD). No.20671 of 2024

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.20671 of 2024
Date :27/11/2024

SS/VR/SAR- /04/12/2024/ 5P/5C

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