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CRL.OP.NO. 25277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL.OP.NO. 25277 of 2025

1.R.Rajesh
2.Banumathi

Petitioners/A3 and A4

Vs

State by,

Rep. By The Inspector of police,
M-1, Periyannickenpalayam Police Station
Coimbatore, Crime No. 163 of 2017.

Respondent

Prayer: Criminal Original Petition is filed under Section 482 of BNSS, 2023, praying to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No. 163 of 2017 pending investigation on the file of the respondent police.

For Petitioners : Ms.L.Mouli
For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER

Apprehending arrest in connection with Crime No. 163 of 2017 registered for the offences punishable under Sections 420, 467, 471 of IPC against the petitioners, the present petition has been filed by the petitioners seeking anticipatory bail.

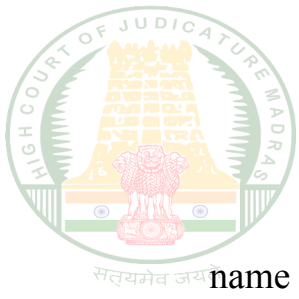


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2. The case of the prosecution is that one Mr.A.Muthuraja, who was working as Branch Manager of IndusInd Bank, Coimbatore Branch, lodged a complaint with the respondent police alleging that the de-facto complainant bank sanctioned a sum of Rs.8,40,000/- to the first accused for the purchase of a vehicle under Hypothecation and he has agreed to repay the said amount on EMI basis. Thereafter, he has not repaid the EMI amount properly. On enquiry revealed that, all the accused viz., A1 to A4 had joined together, created forged documents and obtained the vehicle loan. Hence the case.

3. The learned counsel for the petitioners submits that the petitioners are arrayed as A3 and A4 and they are husband and wife. He further submits that the de-facto complainant lodged a complaint against the petitioners herein in the year 2017. He further submits that A1 and A2 approached the petitioners for vendor pass and requested a sum of Rs.3,50,000/- and based on the same, A3 had given a sum of Rs.3,50,000/- to A1 & A2 and A1 had also handed over the agreement of sale, dated 04.07.2014 and one sale deed, dated 16.04.2007 stands in the



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name of A1's wife and original RC book pertaining to the vehicle.

Thereafter, A2 had given vendor pass to A3 and the vehicle comes under the custody of the petitioner/A3. Thereafter, A1 has not paid the EMI amount to the de-facto complainant's bank. He further submits that A1 lodged a complaint before the Kovilpalayam Police Station against the petitioners and the petitioners appeared before the Kovilpalayam Police Station and A1 admitted that the vehicle was under his custody. He further submits that the petitioners were not aware about the vehicle was under hypothecation. He further submits that after completion of nine years, now, the respondent police called the petitioners for enquiry. He also submits that the petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that an FIR has been registered in the year 2017 and no one has been arrested in



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this case. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the aforesaid facts and circumstances, the submissions made by learned counsels on either side and investigation has been completed and no one has been arrested in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy made ready, before the learned **Judicial Magistrate No.VI, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] 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;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the
Hon'ble Supreme Court in **P.K.Shaji vs. State of
Kerala [(2005)13 SCC 283]**;

e] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

18.09.2025

MSM

To

1. The Judicial Magistrate No.VI, Coimbatore,
- 2.The Inspector of police,
M-1, Periyannickenpalayam Police Station
Coimbatore, Crime No. 163 of 2017.
- 3.The Public Prosecutor, High Court, Madras.



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K. RAJASEKAR, J.,

MSM

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