



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

Friday, the Twenty Fourth day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13839 of 2015

1 S.NAGARAJAN
2 N.KALAISELVI

..PETITIONERS/ACCUSED 1 AND 2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI. CRIME NO. 693 OF 2015.

... RESPONDENT/ COMPLAINANT

P.MUTHURAMALINGAM

..INTERVENOR

For Petitioners : M/S.S.RAJAPRABU Advocate
For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.C.VAKEESWARAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 506(i) of I.P.C., and Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.693 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, he borrowed Rs.4 lakhs from the accused and even after refund of the entire amount, they are demanding exorbitant interest.

3. The learned counsel for the petitioners submitted that the first petitioner is a Railway Contractor, while the de-facto complainant is a Superintendent in the Southern Railway. The de-facto complainant has borrowed Rs.54 lakhs totally on various occasions for educational expenses of his son, who is studying medicine and he also issued cheques. It is further submitted that the de-facto complainant is well aware when bills would be settled to the first accused.

4. It is further submitted that the de-facto complainant issued a false notice to the accused on 08.06.2015 which was received by the accused on 10.06.2015. While so, the de-facto complainant has preferred a false complaint on 10.06.2015, alleging that the accused are charging exorbitant interest. Since the de-facto complainant has attempted to cheat the accused, he gave a complaint against the de-facto complainant on 05.06.2015 and also filed Crl.O.P.(MD). No.10552 of 2015 to register a case against the de-facto complainant, which was ordered on 12.06.2015. The learned counsel for the petitioners further submitted that in fact, the de-facto complainant and his wife are doing money lending business and infact they are



charging exorbitant interest and therefore, a case was registered against them in Crime No.402 of 2015 on the file of S.S.Colony Police Station. The learned counsel for the petitioners also submitted that the petitioners are innocent and they have been falsely implicated in this case.

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5. Per contra, the learned counsel for the intervenor submitted that the de-facto complainant preferred a complaint against the accused on 02.06.2015 and for not taking any action, he filed a private complaint before the Judicial Magistrate in Cr.M.P.No.754 of 2015 and as per the order of the Judicial Magistrate, the respondent has registered a case on 16.07.2015 and it is further submitted that the de-facto complainant had also issued a notice against the accused on 08.06.2015 stating that he borrowed only Rs.4 lakhs and he repaid the entire loan amount and despite settlement of the entire amount, the accused have not returned 8 blank cheques obtained at the time of lending of the loan. It is further contended that after issuance of the notice by the de-facto complainant, the accused preferred a false complaint against the de-facto complainant on 10.06.2015 and filed a criminal original petition for direction to register a case against the de-facto complainant. It is further submitted that the de-facto complainant had already issued a notice to the Bank for stop payment of the cheque amount and thereafter, he filed a private complaint.

6. The learned Government Advocate (Crl.side) submitted that due to the gravity of the offence, the accused are not entitled for anticipatory bail and custodial interrogation of the petitioners is very much necessary.

7. Heard the learned Government Advocate (Crl.side).

8. Considering the facts and circumstances of the 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 their arrest or on their appearance before the learned Judicial Magistrate No.IV, Madurai and on their executing 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 learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders and the second petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

24/07/2015

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TO

1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

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

4 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI.

+1. CC to M/S.S.RAJAPRABU Advocate SR.No.41423

+1cc to Mr.C.VAKEESWARAN, Advocate SR.No.41420

akm/29.07.15 /2p-7c/

ORDER

IN

CRL OP(MD) No.13839 of 2015

Date :24/07/2015