



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

Monday, the Tenth day of August Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14068 of 2015

1 G. DURAIPANDI

2 D. VIJAYA

... PETITIONERS/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE

NORTH POLICE STATION,

TUTICORIN DIST

CR.NO.528 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SUBBIAH Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

For Intervenor : MR.B.N.RAJA MOHAMMED Advocate

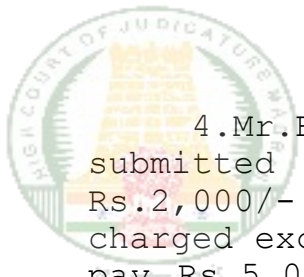
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 420, 294(b) and 506(ii) of IPC, in Crime No.528 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant Muthukumari, she along with her husband borrowed Rs.1,00,000/- from the accused on 06.02.2008 and also executed a mortgage deed and as per the agreement, the de-facto complainant has to pay every month at Rs.2,000/-, however, at the instigation of the accused, the de-facto complainant was paying Rs.5,000/- per month and after repaying the entire amount, the accused did not come forward to release the mortgage deed and demanding one more Rs.1,00,000/- charging exorbitant interest.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the 2nd petitioner filed a suit in O.S.No.20 of 2015 on the file of the Sub Judge, Tuticorin against the de-facto complainant for recovery of money of Rs.2,62,000/-.



4.Mr.B.N.Raja Mohammed, learned counsel for the intervenor submitted that the de-facto complainant is liable to pay only Rs.2,000/- per month as per the mortgage deed, but the accused have charged exorbitant interest and demanded the de-facto complainant to pay Rs.5,000/- per month. It is further submitted that since, the complaint of the de-facto complainant was not entertained by the respondent police, the de-facto complainant was constrained to file a private complaint before the learned Judicial Magistrate No.II, Tuticorin in Cr.M.P.No.7538 of 2014 and after filing of the private complaint, the accused cleverly filed a civil suit to escape from the criminal liability.

5.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Tuticorin and on each of them executing 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 learned Magistrate concerned and on further condition that the 1st petitioner shall appear before the respondent police daily at 10.30 a.m until further orders and the 2nd petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.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/-
10/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II,TUTICORIN
2 THE CHIEF JUDICIAL MAGISTRATE,TUTICORIN
3 THE INSPECTOR OF POLICE,NORTH POLICE STATION, TUTICORIN DT
4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1. CC to M/S.S.SUBBIAH Advocate SR.No.45799

ORDER
IN
CRL OP(MD) No.14068 of 2015
Date :10/08/2015