



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

Wednesday, the Fourteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19704 of 2015

1 MURUGAN  
2 SOWDEESHWARI

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP BY THE INSEPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
DILNDIGUL,  
CR.NO.54 OF 2015  
DINDIGUL DISTRICT. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S J.LAWRANCE Advocate  
For Respondent : MRS.S.PRABHA, Govt. Advocate ( Crl. Side)

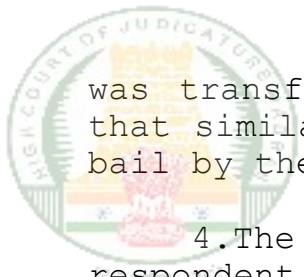
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 406, 420, 294(b) and 506(i) of IPC r/w section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.54 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant Pandiyan, he borrowed Rs.2,00,000/- from A1 in the month of June 2009 and at that time of lending the loan amount, A1 got power of attorney in respect of his property comprised in Survey Nos.9/6A, 9/7B, 9/7D and 9/6D at Kamatchipuram Village, Kannivadi, Aathoor Taluk, Dindigul District as a security and for non-payment of the loan amount, A1 has transferred the property in his wife's name viz., A2 and thereby cheated the de-facto complainant.

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 A1 is doing Real Estate business and he purchased the property of the de-facto complainant in the year 2009 by paying the entire sale consideration and to avoid payment of stamp duty, he got the power of attorney from the de-facto complainant and later, it



was transferred in the name of his wife. It is further contended that similarly placed accused 3 and 4 were released on anticipatory bail by the Principal District Judge, Dindigul.

4.The learned Government Advocate (Criminal side) for the respondent opposed granting of anticipatory bail to the petitioners contending that the accused by charging exorbitant interest have grabbed the property of the de-facto complainant and therefore, they are entitled for anticipatory bail.

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

6.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, Dindigul 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 1<sup>st</sup> petitioner shall appear before the respondent police daily at 10.00 a.m until further orders and the 2<sup>nd</sup> 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.

7.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/-  
14/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,DINDIGUL
- 2 THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL
- 3 THE INSEPECTOR OF POLICE,DISTRICT CRIME BRANCH,  
DINDIGUL,DINDIGUL DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S J.LAWRANCE Advocate SR.No.61173

ORDER IN  
CRL OP(MD) No.19704 of 2015  
Date :14/10/2015