



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.22159 of 2014

1 RABEEK RAJA

2 AJEES

(WRONGLY NAME MENTIONED IN THE FIR AS AJEES
ROWTHER)

..PETITIONER/ACCUSED 1 & 2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

PERAIYUR POLICE STATION,

MADURAI DT,

CRIME NO.301/2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

For Intervenor : Mr.N.ANANDAKUMAR, Advocate

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

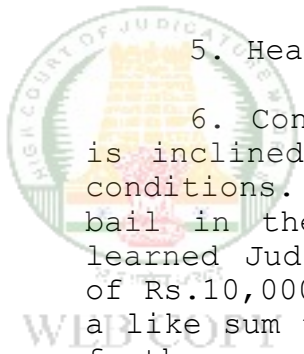
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i), 406 and 420 of I.P.C., in Crime No.301 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, the accused had borrowed Rs.4 lakhs and also purchased furniture for a sum of Rs.1 lakh, but failed to repay the loan amount and also the cost of the material.

3. The learned counsel for the petitioners submitted that the first petitioner and the de-facto complainant are friends and the first petitioner had borrowed Rs.1 lakh from their common friend Gopi and he was paying interest regularly and he had also executed a promissory note. It is further submitted that since the said Gopi demanded huge interest, the petitioners had lodged a complaint against him under the provisions of Tamil Nadu Prohibition of Charging Exorbitant Interest Act and only thereafter, this complaint was given. The learned counsel for the petitioners further submitted that the petitioners had no dealings with the de-facto complainant and they are not liable to pay any amount to him. It is further submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Mr.N.Ananda Kumar, learned counsel for the intervenor vehemently opposed the anticipatory bail petition stating that due to the friendship, the de-facto complainant had lent the huge amount without any proof and the accused is now taking advantage of the situation, failed to repay the amount. The learned counsel for the intervenor further submitted that the petitioners are influential persons and if granted bail, they will interfere with the investigation and also evade justice.



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

6. 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, Peraiyur and on 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.

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/-
16/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, PERAIYUR POLICE STATION, MADURAI DT.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.31456

ORDER IN
CRL OP(MD) No.22159 of 2014
Date :16/06/2015

PBK/KBM 19/06/2015 ::2P-6C::