



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

Wednesday, the Ninth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.23315 of 2015

P. RAJU

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO. 69 OF 2015)

... FIRST RESPONDENT/COMPLAINANT

2 S. PALANIAMMAL

... SECOND RESPONDENT/DE-FACTO
COMPLAINANT

FOR PETITIONER : M/S S.PALANI VELAYUTHAM ADVOCATE

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

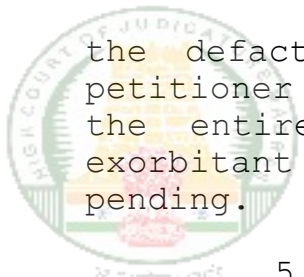
The petitioner, who is arrayed as sole accused, in Crime No.69 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 I.P.C. r/w Section 4 of Tamilnadu Prohibition of Charging for Exorbitant Interest of 2003 and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.10Lakhs from the petitioner and she repaid the same, however the petitioner demanded more money with Exorbitant Interest.

3. The case of the petitioner is that the defacto complainant borrowed a sum of Rs.10lakhs from the petitioner and he did not repay the same. The defacto complainant issued a cheque dated 17.09.2014 and it was returned with an endorsement as insufficient funds, when the same was presented in the bank. The petitioner filed a petition under Section 138 of Negotiable Instruments Act and it is also pending. The petitioner also filed a petition in Crl.O.P.(MD) No.18417 of 2015 before this Court and this Court by order dated 28.10.2015 directed the respondent police not to harass the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Crl.Side) submitted that



the defacto complainant borrowed a sum of Rs.10Lakhs from the petitioner and repaid the same to the petitioner. After receiving the entire amount with interest, the petitioner is demanding exorbitant interest. He further submitted that the investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Ottanchathiram, Dindigul District and on his 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 petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioner 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/-
09/12/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
OTTANHATHIRAM, DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No. 70843

ORDER
IN
CRL OP(MD) No.23315 of 2015
Date :09/12/2015