



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

Friday, the Thirteenth day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2575 of 2015

K.ANDISAMY

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHEKKANOORANI POLICE STATION,
MADURAI DISTRICT.
CR.NO.62/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V. BALAJI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Criminal Side)

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

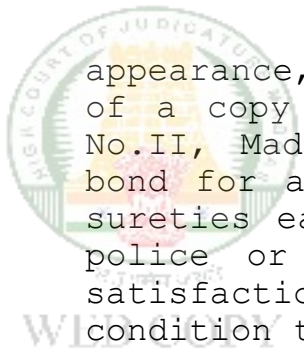
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b) and 506(i) r/w Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.62 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant, in this case, is one Dr.P.Ganesh. According to the petitioner, the *de facto* complainant has borrowed money from 17 persons on various dates and it is alleged that he was demanding exorbitant interest from the *de facto* complainant. As far as this petitioner is concerned, the *de facto* complainant has borrowed a sum of Rs.20,00,000/-, on 30.04.2014 and this petitioner is charging interest at the rate of 12% per annum from the *de facto* complainant. Even in paragraph No.2, the petitioner has stated as follows:-

"2. It is submitted that the *de facto* complainant one Dr.P.Ganesh borrowed a sum of Rs.20 lakhs on 30.04.2014 on behalf of his 2nd wife by name M.Viji by executing a Promissory Note agreeing to repay the principal amount together with interest at the rate of Rs.1.00 per hundred per month to the petitioner on demand."

<https://hcservices.courts.gov.in/hcservices/> circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his



appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Madurai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

13/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, CHEKKANOORANI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V. BALAJI, Advocate SR.No.7141.

ORDER IN
CRL OP(MD) No.2575 of 2015
Date :13/02/2015

msm 16.02.2015 p2/6c