



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

Friday, the Thirteenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP (MD) No.4036 of 2015

WEB COPY

1 GANESAN
2 JAYARAMAN
3 SHANMUGANATHAN

...PETITIONERS/ACCUSED 3,7 & 20

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.676/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ARASU GANESHAN, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

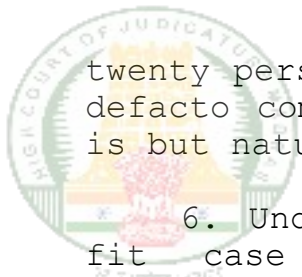
Apprehending arrest at the hands of the respondent police in Crime No.676 of 2014, on the file of the respondent police for offences under Sections 143, 294(b), 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Sections 109 and 309 of I.P.C, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) appearing for the State.

3. The respondent police filed a status report strongly opposing the grant of anticipatory bail to the petitioners.

4. On reading of the F.I.R, it appears that the defacto complainant and her husband are running a hardware unit and even in the complaint, the defacto complainant has stated that she has borrowed money from twenty persons on various dates for their expenses. Thereafter, some of them started demanding money and threatening her. On 09.12.2014, the defacto complainant consumed poison and attempted to commit suicide, but she was saved on account of medical intervention. Now, the present case has been registered against these petitioners alleging that they had demanded exorbitant interest from the defacto complainant.

5. The learned Government Advocate(Crl. Side) on instructions from the respondent police submits that there is no previous case against the petitioners. The defacto complainant has named twenty persons and stated that she borrowed money from them and all the



twenty persons have been made as accused. The fact remains that the defacto complainant has borrowed money from all those persons. It is but natural for the moneylenders to demand return of money.

6. Under such circumstances, I am of the view that this is a fit case to grant anticipatory bail to the petitioners. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions.

7. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of this order, before the learned District Munsif-cum-Judicial Magistrate, Andipatti on executing a separate 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 petitioners shall report before the respondent police daily at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-

13/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, ANDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, ANDIPATTI POLICE STATION, THENI DT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.ARASU GANESHAN, Advocate SR.No.12172.

ORDER IN

CRL OP(MD) No.4036 of 2015

Date :13/03/2015