



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

Tuesday, the Sixth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18864 of 2015

1 SIVA SUBRAMANIYAN

2 SEEMAN

... PETITIONERS / ACCUSED NO.1 & 2

ABUTHAHIR

...INTERVENER

Vs

THE STATE REP.BY

THE INSEPECTOR OF POLICE

APPAN THIRUPPATHI POLICE STATION,

MADURAI DISTRICT,

CR. NO.551/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.S.JEYAKARTHIK Advocate

For Respondent : Govt. Advocate ( Crl. Side)

For Intervenor : MR.S.M.A.JINNAH, Advocate

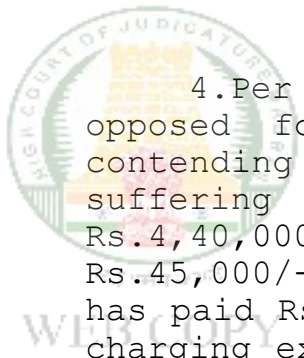
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 offence punishable under Sections 294(b), 420 and 506(i) of I.P.C., r/w Section 4 of Prohibition of Charging of Exorbitant Interest Act, in Crime No.551 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, he borrowed a sum of Rs.4,40,000/- from the accused during the year 2012 and even after repaying the amount, the accused are misusing the cheques and promissory note obtained at the time of lending the loan, by charging exorbitant interest.

3.The learned counsel for the petitioners submitted that the petitioners are father and son and the de-facto complainant borrowed money from the son-in-law of the first petitioner viz., Thirupathi and for non-payment of the loan amount, he initiated the proceedings under Negotiable Instruments Act. The learned counsel further submitted that there is no transaction between the petitioners and the de-facto complainant and they have been falsely roped in this case.



4. Per contra, the learned counsel for the intervenor vehemently opposed for granting of anticipatory bail to the petitioners contending that the de-facto complainant is a poor man and he is suffering from cancer. In the year 2012, he borrowed a sum of Rs.4,40,000/- from the first accused and he was paying Rs.45,000/- every month towards principal and interest and so far he has paid Rs.25 lakhs, however, the accused are demanding more money charging exorbitant interest and misusing the security through some other persons.

5. Heard the learned Government Advocate (Crl.side) appearing for the State.

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

7. 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, Madurai 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 second petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the first petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-  
06/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
  - 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
  - 3 THE ADDL. PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
  - 4 THE INSEPECTOR OF POLICE  
APPAN THIRUPPATHI POLICE STATION, MADURAI DISTRICT.
- +1. CC to M/S M.S.JEYAKARTHIK Advocate SR.No.58789

ORDER IN  
CRL OP (MD) No.18864 of 2015  
Date : 06/10/2015