



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12772 of 2016

1 MURUGAIAH,

2 LOGAMATHA @ LOGU

... PETITIONERS/ACCUSED NO. 1 & 2

Vs

STATE REPRESENTED BY THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION, TIRUNELVELI DISTRICT.

(CRIME NO.166 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.SASIKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

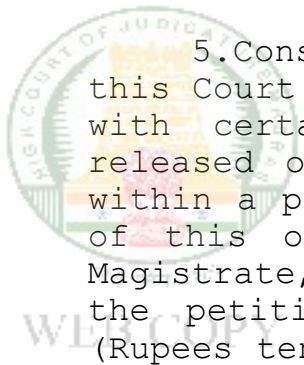
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 506(ii) IPC and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interests Act, in Crime No.166 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant borrowed a sum of Rs.50,000/- for family expenses from A.1 and A.2 and A.1 and A.2 collected a sum of Rs.2,10,000/- as interest for the said sum and the de facto complainant borrowed a sum of Rs.60,000/- for family expenses from A.3 and A.3 collected Rs.1,51,200/- as interest for the said sum. Even after receiving more interest, on 04.06.2016 at 07.30 a.m., all the accused persons trespassed into the house of the de facto complainant and abused her in filthy language and threatened her with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The second petitioner is running a chit fund and the daughter of the de facto complainant got money from him and did not repay the same and when the same was demanded, she refused to give the amount and due to that she has given a false complaint.

4.The learned Government Advocate (Criminal side) submitted that there is no such complaint pending before the respondent police and on the complaint given by the de facto complainant, a case has been registered and investigation is pending.



5. Considering the nature of allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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 a copy of this order, before the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
04/08/2016

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SIVAGIRI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
 - 3 THE INSPECTOR OF POLICE, PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.SASIKUMAR Advocate SR.No. 42164
SMN
JA-SK-SKN-SAR.III/8.8.2016/2P:6C