



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.12852 of 2016

WEB COPY

PITCHAI MUTHU

... PETITIONER / ACCUSED No.1

Vs

State rep.by
THE SUB INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

(In CRIME NO.117 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.AMMAVASAI Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

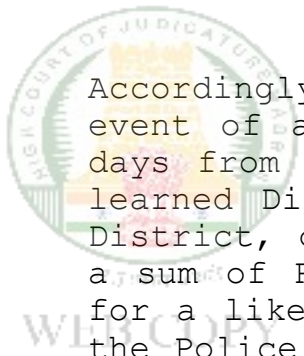
The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448 and 506(ii) IPC r/w Section 5 of Prohibition of Charging Exorbitant Interest Act, 2003, in crime No.117 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 11.06.2016 the petitioner and others came to the house of the de facto complainant and demanded exorbitant interest and threatened him with dire consequences. On complaint, case has been registered.

3.The case of the petitioner is that the petitioner and the de facto complainant are friends and when the de facto complainant asked loan from the petitioner, he gave a sum of Rs.55,000/- to the de facto complainant. When the petitioner demanded the said amount, the de facto complainant has given a false complaint and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.

4.It is submitted by the learned Government Advocate (Crl.Side) that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



Accordingly, the petitioner 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 District Munsif and Judicial Magistrate, Peraiyur, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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].

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 petitioner is complying with the conditions or not.

sd/-

26/07/2016

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF AND JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE SUB INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.P.AMMAVASAI Advocate SR.No.39942

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ORDER
IN

CRL OP(MD) No.12852 of 2016
Date :26/07/2016