



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13572 of 2016

JOSHUVA,

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

NAZARETH POLICE STATION,

TUTICORIN DISTRICT.

(CRIME NO.37 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S P.BALAMURUGAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

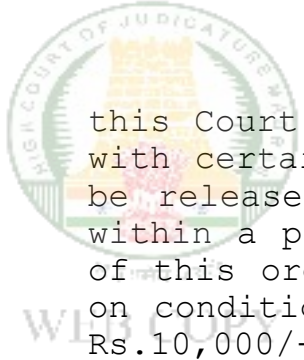
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) IPC, Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 @ Sections 294(b), 506(ii) IPC, Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 read with 34 IPC, in Crime No.37 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant has borrowed a sum of Rs.5,00,000/- from the father-in-law of the petitioner in the year 2013 and gave four cheques as security. Even after payment of Rs.11,00,000/-, the father-in-law of the petitioner did not return the cheques given by the de facto complainant. On 09.02.2015 at about 10.00 p.m., the petitioner along with A.1 and another demanded a sum of Rs.5,00,000/- and also threatened him with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that investigation has been completed and charge sheet has been filed and yet to be taken on file.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence tookplace on 09.02.2015 and investigation has been completed and charge sheet has been filed,



this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Sathangulam, 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 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 said Court in all future hearings regularly.
- (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/-
02/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM, THOOTHUKUDI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, NAZARETH POLICE STATION, TUTICORIN DISTRICT.

+1. CC to M/S P.BALAMURUGAN Advocate SR.No.41760
ORDER IN
CRL OP(MD) No.13572 of 2016
Date :02/08/2016