



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14169 of 2016

1 RAJATHI
2 SEERALAN

... PETITIONERS/ACCUSED NO.1 AND 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION (L&O)
MADURAI,
MADURAI DISTRICT.
CRIME NO. 935 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.JAMEEL ARASU 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 petitioners, who are arrayed as Accused Nos.1&2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b) and 506(i) IPC., and Section 3 of Tamilnadu Charging of Exorbitant Interest Act, in Crime No.935 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.5,00,000/- from the petitioner, in the month of August, 2013. Due to illness, the defacto complainant could not do the business, at that time, both the petitioners came to the house of the defacto complainant and demanded to repay Rs.10,00,000/- for the borrowed amount, by fixing exorbitant interest and threatened her with dire consequences. Subsequently, the defacto complainant, lodged a complaint against the petitioners before the SS Colony Police Station, Madurai. After that incident, the petitioners along with three other persons came to the house of the defacto complainant and demanded the money and threatened her.

3.The case of the petitioners is that the petitioners and the defacto complainant are close friends and due to such friendship, the defacto complainant has approached the petitioners and demanded a sum of Rs.10,00,000/- for some urgent family expenses. The petitioners arranged the said amount of Rs.10,00,000/- by borrowing



amounts from relatives and others and gave it to the defacto complainant. Subsequently, when the same was demanded by the petitioners, the defacto complainant failed to repay the amount and lodged a false compliant against the petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that on receiving the complaint, a case has been registered.

5.Considering the facts and circumstances of the case, 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 Judicial Magistrate No.VI, Madurai, 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 first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report before the respondent Police daily at 10.30 a.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/-
11/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION (L&O)
MADURAI, MADURAI DISTRICT.

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

+1. CC to M/S B.JAMEEL ARASU Advocate SR.No.43996

PJL

CSL/CK/SAR-I/19.08.2016: 2P/6C

ORDER

IN

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Date :11/08/2016