



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16386 of 2016

M. NAGARAMAN

... PETITIONER / SOLE ACCUSED  
Vs

THE INSPECTOR OF POLICE  
KALLIGUDI POLICE STATION,  
MADURAI DISTRICT.  
IN CR.NO. 205/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.GURURAJ 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 :-

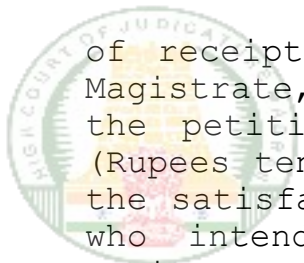
The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.205 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner demanded higher interest from the defacto complainant for the loan obtained by her and also threatened her with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that petitioner had lent a sum of Rs.2,00,000/- as loan to the defacto complainant and for which the defacto complainant gave her immovable property as security by registered equitable mortgage and the defacto complainant paid interest for a period of five months and thereafter, she failed to pay the interest.

4.The learned Government Advocate (Crl.side) submitted that the defacto complainant has already paid a sum of Rs.1,55,000/- and the investigation of the case is pending.

5.Considering the contention of the learned counsel for the petitioner that the defacto complainant borrowed a sum of Rs.2,00,000/- and the petitioner parted with an amount of Rs.2,00,000/- on the security of registered equitable mortgage deed in the year 2013, 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, Thirumangalam, Madurai District and 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 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]**.

9.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/-

01/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE  
THIRUMANGALAM, MADURAI DISTRICT
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE  
KALLIGUDI POLICE STATION,  
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.GURURAJ Advocate SR.No.49236

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ORDER

IN

CRL OP(MD) No.16386 of 2016

Date :01/09/2016