



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.837 of 2016

1 C. RAJKUMAR
2 SUMATHI

... PETITIONERS / ACCUSED NOS.1&2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
D1 VILAKUTHOON POLICE STATION,
MADURAI DISTRICT,
(CRIME NO.1087 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.KRISHNAN Advocate

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

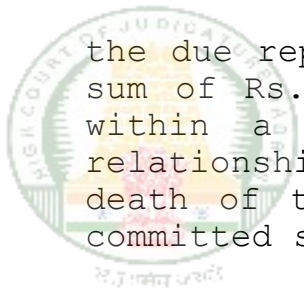
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, in Crime No.1087 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 3 read with 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act and 306 of the Indian Penal Code and hence, seek anticipatory bail.

2. The case of the prosecution is that the mother of the defacto complainant borrowed a sum of Rs.2,00,000/- from the first accused/first petitioner. The husband of the defacto complainant/deceased guaranteed the due repayment. She pledged the lease deed in favour of the first petitioner/A1. Even after repayment of the entire amount, the first petitioner refused to return the lease deed and demanded exorbitant interest. Due to torture of the petitioners and other accused, the husband of the defacto complainant committed suicide.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The defacto complainant's mother borrowed a sum of RS.3,00,000/- from the first petitioner by pledging the lease deed as security and the husband of the defacto complainant guaranteed



the due repayment. The mother of the defacto complainant returned a sum of Rs.2,00,000/- and she promised to repay the balance amount within a short time and the petitioners were having cordial relationship with the deceased and they are not responsible for the death of the husband of the defacto complainant and the deceased committed suicide on 02.12.2015 for their family problems.

4. The learned counsel appearing for the petitioner submitted that in the earlier complaint given by the defacto complainant, petition enquiry was conducted and closed. The deceased committed suicide due to family problem and suppressing the same, the defacto complainant has given a false complaint to extract money from the petitioners.

5. The learned Government Advocate (Criminal Side) submitted that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the transaction is only between the first accused and the defacto complainant's mother and earlier petition enquiry has been conducted and closed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Madurai and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
27/01/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, MADURAI
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE
D1 VILAKUTHOON POLICE STATION, MADURAI DISTRICT,
+1. CC to M/S G.KRISHNAN Advocate SR.No.4699
RL/6C/AAL/MPA/ARII/2/2/2016

ORDER
IN
CRL OP(MD) No.837 of 2016
Date :27/01/2016