



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9523 of 2016

1 GOPAL

2 RAVI @ RAVIKUMAR

... PETITIONERS / ACCUSED Nos.1 to 2

Vs

1 State rep.by

THE INSPECTOR OF POLICE

OORMACTHIKULAM POLICE STATION,

MADURAI DISTRICT.

(CRIME 522/2014)

2 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH,

MADURAI DISTRICT,

MADURAI.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.SHANMUGASELVAM Advocate

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

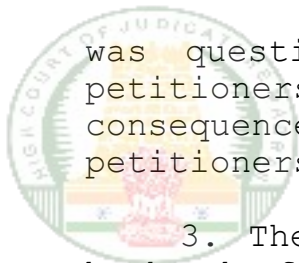
For Intervenor : Mr.R.Murugaboopathy, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 406, 420 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.522 of 2014, seek anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant borrowed a sum of Rs.1,94,00,000/- from the petitioners for purchase of two buses with stage carriage permit. They are partners in the finance company and they have taken Rs.20,00,000/- as advance for interest and the husband of the defacto complainant has to pay Rs.8,00,000/- every month towards principal and interest. The petitioners took 25 blank cheques from the husband of the defacto complainant and empty stamp papers were signed by the defacto complainant and her son, which regarding the repayment of loan amount. The petitioners forged the documents and transferred the bus and route permit to third party. When the same



was questioned by the husband of the defacto complainant, the petitioners and their henchmen threatened him with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the husband of the defacto complainant borrowed a sum of Rs.20,00,000/- on the security of immovable property by depositing sale deeds and the same was registered in the office of the Sub Registrar and in order to avoid repayment of amount, the defacto complainant has given a false complaint against the petitioners.

4. The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that the husband of the defacto complainant paid entire amount towards principal and interest and on security they have mortgaged the property and after repayment, they are not returning the bus and transferred the bus route permit.

5. The learned Government Advocate (Crl. Side) submitted that the husband of the defacto complainant alleged to have purchased the bus and route permit from one Krishnaveni Kannan and she said that she sold the bus to one Palanisamy and denied being sold to the husband of the defacto complainant and the investigation of the case is pending.

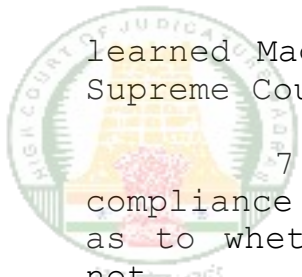
6. Considering the facts and circumstances of the case and also considering the fact that Krishnaveni Kannan denied sale of bus to the husband of the defacto complainant, custodial interrogation of the petitioners is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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.II, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

7.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 condition or not.

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20/07/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
OORMACTHIKULAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.SHANMUGASELVAM Advocate SR.No.38107

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ORDER
IN
CRL OP(MD) No.9523 of 2016
Date :20/07/2016