



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

Wednesday, the Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9831 of 2016

WEB COPY

KARUPPASAMY

... PETITIONER/ACCUSED NO.1
Vs

STATE REP BY. THE SUB INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DIST, CR.NO.422/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.JEYAKUMAR 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 :-

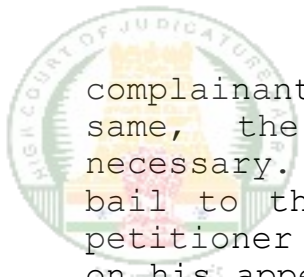
The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406 and 420 of IPC in Crime No.422 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner agreed to sell his Maruthi Swift Car bearing Registration No.TN-67-AL-4308 to the defacto complainant for a sum of Rs.4,80,000/-. The defacto complainant cleared the hypothecation in favour of Sundaram Finance. After the said clearance, instead of selling the car to the defacto complainant, the petitioner sold the same to his wife Rama Priya/A.2 and cheated the defacto complainant. On complaint, a case has been registered against the petitioner.

3. The case of the petitioner is that the defacto complainant is a money lender. The petitioner borrowed a sum of Rs.2,00,000/- for his urgent family needs and he repaid the entire amount by monthly instalments with interest. In spite of the same, the defacto complainant was demanding exorbitant interest, seized the car with goondas and on coming to know that the car is not in the name of the petitioner and it is in the name of A.2, he handed over the car to A.2 and gave a false complaint.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner borrowed a sum of Rs.4,00,000/- from the defacto complainant. When the same was demanded by the defacto complainant, the petitioner threatened him with dire consequences.

5. Considering the contention of the learned counsel for the petitioner that the petitioner borrowed money from the defacto



complainant, who is the professional money lender and repaid the same, the custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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 No.II, Srivilliputhur, Virudhunagar District 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].

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/-

06/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR
 - 3 THE SUB INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION, VIRUDHUNAGAR DIST
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S B.JEYAKUMAR Advocate SR.No.35232

ORDER IN

CRL OP(MD) No.9831 of 2016

Date :06/07/2016