



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12351 of 2016

ARUMUGAM

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 442 OF 2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S D.VENKATESH 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 :-

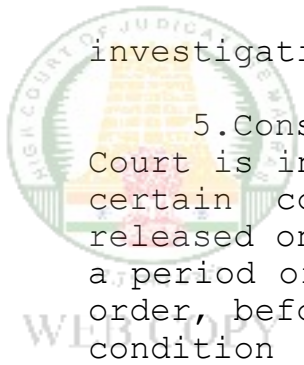
The petitioner, who is arrayed as accused No. 2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(i) IPC r/w Section 4 of TN prohibition of Charges of Exorbitant Rates of Interest Act, 2003, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant borrowed a sum of Rs.4 lakhs from the petitioner and he failed to pay interest for 2 months. Due to the that, the petitioner threatened the de facto complainant with dire consequences and therefore, the de facto complainant consumed poison and tried to commit suicide. On complaint, case has been registered.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. It is further submitted that the de facto complainant did not pay the interest and when the same was demanded, the de facto complainant gave the present complaint with an ulterior motive.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) submitted that



investigation is pending.

5. Considering the facts and circumstances of the case, 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.VI, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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/-
21/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, TIRUNELVELI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S D.VENKATESH Advocate SR.No.38998

nbj

JM/GSV-PM/SAR-III/26.07.2016/2P-6C

ORDER

IN

CRL OP(MD) No.12351 of 2016

Date :21/07/2016