



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

Friday, the Eleventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10591 of 2017

1 TAMILARASAN
2 SUMITH RAMU

... PETITIONERS / A-1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SWAMINATHAPURAM POLICE STATION, DINDIGUL,
CR.NO.145/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.PON SENTHIL KUMARAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

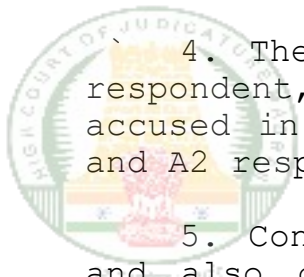
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 354 of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.145 of 2017, seeks anticipatory bail.

2. The prosecution case is that the petitioners herein said to have knocked the door, during night hours ie., at about 10.00 p.m., and demanded loan amount borrowed by the defacto complainant and outraged modesty of the defacto complainant in this case and the first petitioner also pulled the saree of the defacto complainant and the second petitioner assist the first petitioner in committing the said offence.

3. The learned counsel appearing for the petitioners states that petitioners are the employees of the Mahindra Rural Housing Finance Company. On the date of occurrence, the petitioners were reminding the neighbour of the defacto complainant about the outstanding loan amount to be repaid. The defacto complainant, who too borrowed the loan from the Mahindra Rural Housing Finance Company objected the petitioners for visiting place and lodged a false complaint. He would further submit that the defacto complainant has lodged the complaint with a malafide intention to coerce the petitioners and preclude the company staff from demanding the outstanding loan amount which they are legally liable to pay.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case and the petitioners herein are arrayed as A1 and A2 respectively and the investigation is pending.

5. Considering the above facts and circumstances of the case, and also considering the fact that, the first petitioner herein during night hours in the occurrence date demanding loan from the defacto complainant, this Court is not inclined to grant anticipatory bail in respect of 1st Petitioner / A1 and is inclined to grant anticipatory bail in respect of the 2nd Petitioner / A2 alone, with certain conditions.

6. Accordingly, the 2nd Petitioner / A2 alone is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Palani and on his 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 petitioner shall appear before the respondent police daily at 10.30 a.m until further orders. The , 2nd Petitioner / A2 shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The 2nd Petitioner / A2 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.

8. In respect of , the 1st Petitioner / A1 is concerned, this Criminal Original Petition stands dismissed.

sd/-

11/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SWAMINATHAPURAM POLICE STATION, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PON SENTHIL KUMARAN Advocate SR.No.28753

ORDER

IN

CRL OP(MD) No.10591 of 2017

Date :11/08/2017