



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14039 of 2017

ARUMUGAM

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.615 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

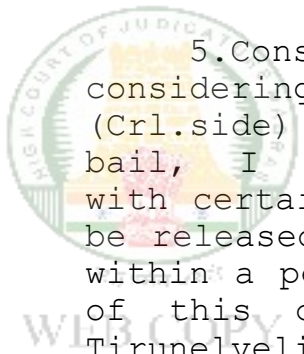
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 352, and 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No. 615 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has borrowed Rs.1,00,000/- (Rupees One Lakh Only) from the petitioner and after repaid the amount by calculating interest at 10%, the petitioner has collected Rs.10,000/- everyday from the defacto complainant. Thereafter, the defacto complainant was not able to repay the amount. Since the petitioner harassed the defacto complainant, he lodged a complaint against the petitioner under the Exorbitant Interest Act.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he collected only normal interest at 18 % from the de-facto complainant. The learned counsel for the petitioner fairly concedes that the petitioner did not claim any amount from the de-facto complainant. Hence, implication of Exorbitant Interest Act does not arise.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is still pending and co-accused / A2 & A3 are already arrested and released on bail.



5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) that the co-accused are already arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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.IV, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Tirunelveli Town Police Station, everyday at 10.00 p.m. for a period of two weeks and thereafter, as and when required for interrogation;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioner shall not commit any offence while on anticipatory bail;
- (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 and the anticipatory bail granted stands cancelled automatically.

sd/-

20/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.32941

ORDER IN
CRL OP(MD) No.14039 of 2017
Date :20/10/2017