



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

Thursday, the Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14676 of 2017

ESAKKI PANDI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.
CRIME NO.636/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BALASUBRAMANIAN Advocate

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

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

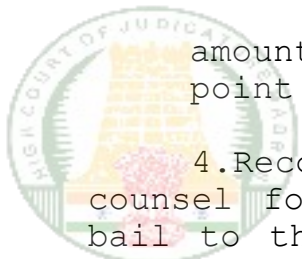
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(ii) of I.P.C. and Section 4 of TamilNadu Prohibition of Exorbitant interest Act, in Crime No.636 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 2016, the defacto complainant borrowed a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with huge interest for his business development. Since the defacto complainant did not repay the said amount, the petitioner threatened the defacto complainant and his family members. Accordingly, the defacto complainant filed a complaint before the respondent police on 17.09.2017.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Today, the petitioner filed an affidavit before this Court which read as follows:

"3. I submit that there was no such money transaction between me and the defacto complainant as alleged in the FIR. I submit that so far I have not received any exorbitant interest from the defacto complainant and I have not threatened the either the defacto complainant or his family members. Further, I undertake myself and assure that even I will not ask any



amount from the defacto complainant in future or in any point of time. To that effect I file this affidavit."

4. Recording the undertaking affidavit filed by the learned counsel for the petitioner, 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 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.IV, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each 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 make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner shall not commit any offence while on bail;

(vi) 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/-

02/11/2017

/ 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 INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.BALASUBRAMANIAN Advocate SR.No.33728

ORDER IN

CRL OP(MD) No.14676 of 2017

Date :02/11/2017