



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

Tuesday, the Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP(MD) No.14736 of 2017

1 ESAKKI @ ESAKKI RAJA
2 SURESH @ NALLAKANNU

... PETITIONERS/ ACCUSED NOS. 1 & 2
Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.618/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.LENIN PRABU, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 07.10.2017 by the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003, in Crime No.618 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that defacto complainant's brother borrowed a sum of Rs.10,000/- (Rupees Ten Thousand only) from the first petitioner. Since the first petitioner demanded the said amount with huge interest, the defacto complainant's brother unable to repay the said amount. Hence, the petitioners abused the defacto complainant in filthy language and attacked him with aruval on the left shoulder. Aggrieved by the same, the defacto complainant lodged a complainant against the petitioners before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioner filed an affidavit before this Court which has been confined before the Central Prison, Palayamkottai.

(i)The relevant portion of the affidavit filed by the first petitioner is as follows:

<https://hcservices.ecourts.gov.in/hcservices/> I am the first petitioner herein. The respondent police, on the false complaint of one Ramachandran,



registered a case in Crime NO.618 of 2017 under Section 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 against me and I am now confined in Central Prison, Palayamkottai.

2.I have filed application for bail before this Hon'ble Court in CrI.O.P.No.14736 of 2017 and the bail application came up for hearing on 1.11.2017.

3.I have no money lending transaction with complainant and his family members. I have never claimed any money from the defacto complainant and his family members also. Further, as mentioned in the complaint I have not transacted any money lending for exorbitant interest."

(ii)The relevant portion of the affidavit filed by the second petitioner is as follows:

"1.I am the second petitioner herein. The respondent police on the false complaint of one Ramachandran, registered a case in Crime NO.618 of 2017 under Section 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 against me and I am now confined in Central Prison, Palayamkottai.

2.I have filed application for bail before this Hon'ble Court in CrI.O.P.No.14736 of 2017 and the bail application came up for hearing on 1.11.2017.

3.I have no money lending transaction with complainant and his family members. I have never claimed any money from the defacto complainant and his family members also. Further, as mentioned in the complaint I have not transacted any money lending for exorbitant interest."

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioners that the petitioners have categorically stated in their affidavit that they did not claim any money either from the defacto complainant or his family members, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 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 learned Judicial Magistrate No.IV, Tirunelveli;

(ii) the petitioners shall report before the concerned Court, daily at 10.30 a.m., until further orders;



(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

(v) the petitioners 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 petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
07/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVEI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVEI.
 3. THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE SUB-INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.LENIN PRABU Advocate SR.No.33918

ORDER
IN
CRL OP(MD) No.14736 of 2017
Date :07/11/2017

MS/PM-PN/SAR.1/07.11.2017/3P.7C