



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

Thursday, the Ninth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14823 of 2017

N.MARIAPPAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALANKULAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.387 OF 2017)

... RESPONDENT /COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

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

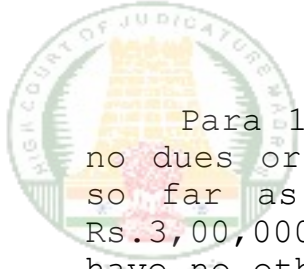
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) of I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 1998 and also Sections 3 and 4 of Tamilnadu Charging of Exorbitant Interest Act, 2003 in Crime No.387 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner demanded a sum of Rs.18 lakhs from the defacto complainant, which was allegedly borrowed by her for business. However, he was also claiming the exorbitant interest for the said amount for Rs.18 lakhs and picking up quarrel with the defacto complainant and her husband and also using filthy languages and further threatened them with dire consequences.

3.The learned counsel for the petitioner states that the defacto complainant received a sum of Rs.3,50,000/- and executed a sale agreement. The petitioner had filed a suit for specific performance before the Principal Subordinate Court, Tenkasi, for non-execution of the sale deed. The petitioner did not commit any offence as alleged by the prosecution. Accordingly he filed the supporting affidavit and in para 10 & 11, it has been held as follows:



Para 10 "I submit that in totality, I am declaring that, I have no dues or amounts to be received from the defacto complainant and so far as her husband is concerned except the consideration of Rs.3,00,000/- as paid towards the purchase of her husband's house, I have no other financial transaction and so far as the said amount is concerned it is subjected to civil case as stated supra."

Para 11 "I submit that I am swearing this affidavit that, I have no amount to be received from the husband of the de-facto complainant and I am not in possession of any cheque leaves in respect of their bank namely Canara Bank, Alankulam or any other document belonging to them except the above agreement of sale."

4. The learned Government Advocate (Criminal Side) for the State would submit that in view of the affidavit, it is categorically denied that there is no money dispute in between the petitioner family and defacto complainant except sale agreement. There is no previous cases pending against the petitioner. He further submitted that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side) and also the fact that the petitioner did not have any previous case, 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, Alankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 respondent police daily at 10.30 a.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 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/-
09/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANKULAM
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALANKULAM POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE PRINCIPAL SUBORDINATE JUDGE, TENKASI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.34239

ORDER
IN
CRL OP(MD) No.14823 of 2017
Date :09/11/2017

SMA/PM-PN/SAR-2/16.11.2017:3P/7c