



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

Friday, the Seventeenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15284 of 2017

K.VAIRASAMY

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
PAVOORCHATHIRAM, TIRUNELVELI DISTRICT,
CRIME NO.NOT KNOWN OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ANANTH C.RAJESH Advocate

For Respondent : MR.C.MAYILVAHANA RAJENDRAN
ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, 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 Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.492 of 2017, on the file of the respondent police, seeks anticipatory bail.

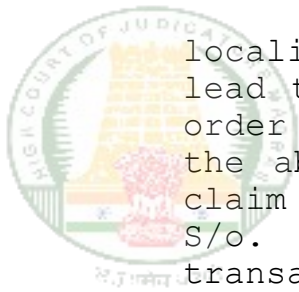
2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,40,000/- with 24% interest per annum from the petitioner. Since the petitioner demanded the said amount with Exorbitant interest, the defacto complainant was unable to repay the loan amount. Initially, the defacto complainant lodged a complaint before the District Collector, Tirunelveli and later on, the same was forwarded to the respondent police. Hence, a case has been registered against the petitioner for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is doing money lending business. The defacto complainant borrowed money from the petitioner. The petitioner demanded the loan amount from the defacto complainant. Hence, the defacto complainant foisted a false case against him.

4.Today, the petitioner, on his own volition, came forward to file an undertaking affidavit which states as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

4.1 Submit that I am doing the above money lending business in a proper way without any complaint from my



locality. The above registration of Criminal Case will lead to create bad name to me as well as my business. In order to avoid the above, I am ready and willing to waive the above balance of Rs.44,300/- and by this no further claim is pending with the defacto complainant Mr.Poomani, S/o. Subbiah Nadar of Thippanampatti and no more transactions with him in future."

WEB COPY

5. The learned Additional Public Prosecutor appearing for the State did not dispute the factual aspects made by the learned counsel for the petitioner.

6. Considering the facts and circumstances of the case and also 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, Tenkasi, 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 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/-
17/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
PAVOORCHATHIRAM, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ANANTH C.RAJESH Advocate SR.No.34661

ORDER

IN

CRL OP (MD) No.15284 of 2017

Date :17/11/2017

MKV-PM-PN-SAR 1/22.11.2017/3P-6C