



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

Monday, the Thirteenth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15333 of 2017

1 SHANMUGAIAH PANDIAN
2 MURUGAN

... PETITIONERS/ ACCUSED NO.1 AND 2
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIKRAMASINGAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 324/2017.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.B.JAMEEL ARASU, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3 and 4 of Tamil Nadu Exorbitant Interest Act, 2003 and 506 (ii) of I.P.C, in Crime No.324 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.10.2016, the defacto complainant borrowed a sum of Rs.2,00,000/- (Rupees Two Lakh Only) from the petitioners/accused. On 15.10.2016, the defacto complainant borrowed a another sum of Rs.1,00,000/-(Rupees One Lakh Only) from the petitioner. At that time of borrowing, the defacto complainant gave four blank cheques and unstamped papers. Since the defacto complainant did not return the amount as agreed by him, the petitioners/accused threatened the defacto complainant and demanded huge amount along with interest.

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 would further submit that whatever the documents received from the petitioners were returned to the defacto complainant and also filed the undertaking affidavit before this Court. The relevant paragraph is as follows:

" I respectfully submit that I undertake that I will not give any threats and I will not demand any amount either by direct or indirect to the defacto complainant."

4.The learned Government Advocate (Crl.side) appearing for the State submitted that from the perusal of the undertaking affidavit



filed by the petitioners, it is seen that the petitioners did not make any claim as against the defacto complainant and therefore, the allegation does not arise.

5. Considering the facts and circumstances of the case and also considering the above said submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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, Tenkasi, Tirunelveli District, 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 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 petitioners shall report before the concerned Court, twice in a week on every monday and friday at 10.30 a.m;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioner shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) 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 anticipatory bail granted stands cancelled automatically.

sd/-

13/11/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3. THE INSPECTOR OF POLICE,
VIKRAMASINGAPURAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.34399

ORDER IN

CRL OP(MD) No.15333 of 2017

Date :13/11/2017