



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15800 of 2017

1 SOUNDRAPANDIAN
2 P.SUNDARAMOORTHY
3 MALAR
4 S.THIRUPATHY

... PETITIONERS / ACCUSED 1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.235/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.GANAPATHI SUBRAMANIAN Advocate

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

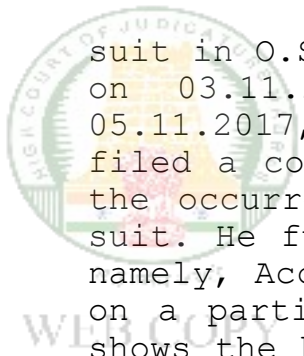
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners herein, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3 and 4 of Prohibition of Charging Exorbitant Interest Act, 2013, in Crime No.235 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,90,000/- on various dates from the first petitioner herein. Even though the defacto complainant repaid a sum of Rs.2,17,000/- with interest to the first petitioner, the petitioner and his family members threatened the defacto complainant and demanded exorbitant interest of Rs.5,41,000/- as against Rs.1,90,000/-. Aggrieved by the same, the defacto complainant filed a complaint against accused no.1 and his family members.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The defacto complainant borrowed a sum of Rs.4,00,000/- with 12% interest per annum, on the same day, the defacto complainant executed a promissory note in favour of the first petitioner on 20.04.2015. Since the defacto complainant did not pay the amount, aggrieved by the same, the petitioners filed a



suit in O.S.No.402 of 2017 for recovery of money. The suit was filed on 03.11.2017, summon served on the defacto complainant on 05.11.2017, after a receipt of the summon, the defacto complainant filed a complaint before the respondent police on 09.11.2017 as if the occurrence was happened on 31.10.2017, prior to the filing of suit. He further submitted that on 31.10.2017, the petitioner's son namely, Accused No.4/Thirupathi was working in the Fourway Logistics on a particular date i.e. on 31.10.2017 in his working place, he shows the biometric attendance register to that effect and he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that he did not disputed the above said of facts and there is no specific overtact against the petitioner nos 3 and 4.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner nos.3 and 4 since there is no specific overtact against them and this Court is not inclined to grant anticipatory bail to the petitioner nos.1 and 2.

6.Accordingly, the petitioner nos. 3 and 4 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 No.II, Srivilliputhur on condition that the petitioner nos.3 and 4 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 Nos. 3 and 4 shall report before the respondent police daily as and when required for interrogation.

(ii) the petitioner nos. 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner nos. 3 and 4 shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner nos. 3 and 4 shall not abscond either during investigation or trial.

(v) the petitioner nos. 3 and 4 shall not commit any offence while on bail;



entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
04/12/2017

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.35534

ORDER
IN
CRL OP(MD) No.15800 of 2017
Date :04/12/2017

MKV-CM-VR-SAR 1/7.12.2017/3P-6C