



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16094 of 2017

1 PANDI @ PONNU PANDI

2 SANTHANAM @ SANTHANA MARIAPPAN ...PETITIONERS/ACCUSED NO.1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

(IN CRIME NO.141 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.PRABU Advocate

For Respondent : Govt. 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 294(b), 506(i) of I.P.C., and Section 4 of TamilNadu Prohibition of Exorbitant Interest Act and Section 4 of Women Harassment Act, in Crime No.141 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 17.11.2017, the defacto complainant obtained loan sum of Rs.20,000/- from the petitioners. The defacto complainant paying the amount regularly. However, the petitioners are demanded exorbitant interest from the defacto complainant for the said loan amount, thereby, the defacto complainant filed a complaint before the respondent police under the Exorbitant Interest Act.

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 petitioners gave the loan amount to the defacto complainant for business purpose. Taking advantage of the present situation, they filed a false complaint before the respondent police. However, in order to maintain good relationship in the particular area, he



filed an affidavit. The relevant paragraph of the said affidavit reads as follows.

"I respectfully submit that one Thangamariamammal has given a complaint against me and the 2nd petitioner herein before the respondent police and on the basis of the complaint the respondent police registered the case against me and the 2nd petitioner herein. I hereby, give undertaking that I will not claim any money either towards principal amount or interest from the defacto complainant in respect of the loan amount given by me to the defacto complainant"

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the affidavit filed by the petitioners, since the petitioners did not make any claim against the defacto complainant, the anticipatory bail may be granted.

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 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, Vilathikulam, 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 respondent police, daily at 10.30 a.m., for a period of four weeks, thereafter, the petitioners shall report before the respondent police, once in a week, on every monday at 10.30 a.m., until further orders;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners 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) the petitioner shall not abscond either during investigation or trial.



(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 anticipatory bail granted stands cancelled automatically.

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sd/-
24/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
 3. THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PRABU Advocate SR.No.35059

ORDER
IN
CRL OP(MD) No.16094 of 2017
Date :24/11/2017

MS/PM-PN/SAR.4/27.11.2017/3P.6C