



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16315 of 2017

1 ASRAF ALI
2 THADI MALIK
3 MOHAMED IBRAHIM
4 AH.RAHMAN

... PETITIONERS / ACCUSED 1 to 4

Vs

THE STATE REPRESENTED BY ITS
THE SUB INSPECTOR OF POLICE,
DINDIGUL SOUTH POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.509 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.SURIYA NARAYANAN Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341 and 506(i) of I.P.C. and Section 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.509 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 02.01.2013, the defacto complainant borrowed sum of Rs.80,000/- (Rupees Eighty Thousand only) and executed promissory note in favour of the petitioners. Since the defacto complainant did not repay the said amount, the fourth petitioner herein filed a suit for recovery of money before the Additional District Court, Dindigul and the same is numbered as O.S.No.84 of 2015. Thereafter, a exparte order was passed in favour of the petitioners. But, the defacto complainant has failed to comply with the said decree and hence, the fourth petitioner filed execution petition before the District Munsif Court, Dindigul in E.P.No.132 of 2016 and issued arrest warrant against the defacto complainant. Thereby, the defacto complainant's



wife consumed lizard poison and was admitted in the hospital. Hence, the defacto complainant lodged a complaint against petitioners before the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners except the suit money, they did not claim any amount from the defacto complainant as alleged by the prosecution and they recovered the said amount only as per the procedure established by the Court of law. He would further submit that the petitioners filed a suit for recovery of money and suit was also decreed in favour of the petitioners. Hence, the defacto complainant foisted a false complaint against the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the facts made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel, I am 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 Judicial Magistrate Court No.I, Dindigul, 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 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, and thereafter, as and when required for interrogation;

(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 abscond either during investigation or trial;

(v) the petitioners 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 petitioners in



accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

28/11/2017

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Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL

3 THE SUB INSPECTOR OF POLICE,
DINDIGUL SOUTH POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.R.SURIYA NARAYANAN Advocate SR.No.35282

JAM/06.12.17/PM-PN/ SAR 3 / 3P-6C

ORDER

IN

CRL OP(MD) No.16315 of 2017

Date :28/11/2017