



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

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP(MD) Nos.16360, 16361 and 16385 of 2017

NALLATHAMBI @ ELUMALAI

... PETITIONER / ACCUSED NO.4
IN CRL OP(MD)No.16360/17

ARUL RAJ KUMAR @ KUMAR

... PETITIONER / A 3
IN CRL OP(MD)No.16361/17

1.NARAYANAN

2.MURUGAN

... PETITIONER / ACCUSED NO.1 & 2
IN CRL OP(MD)No.16385/17

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.610 OF 2017)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)No.16360/17

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.610 OF 2017)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)Nos.16361 & 16385/17

For Petitioner : M/S.S.ALAGUSUNDAR Advocate IN CRL OP(MD)No.16360/17

For Petitioner : M/S.PM.VISHNUVARTHANAM Advocate
IN CRL OP(MD)No.16361/17

For Petitioners: M/S.M.PRABU Advocate IN CRL OP(MD)No.16385/17

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

COMMON ORDER

Since the petitioners in these petitions are the accused persons in the same crime number, these petitions are taken up together and disposed of by way of common order.



offences punishable under Sections 506(i) of IPC read with Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.610 of 2017, on the file of the respondent police, seek anticipatory bail.

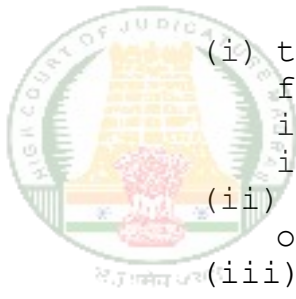
3. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.7,00,000/- from A1, Rs.3,50,000/- from A2, Rs.2,50,000/- from A3 and Rs.1,82,000/- from A4 for establishing his textile business. All these money transaction between the defacto complainant and the accused persons/petitioners happened within two years. According to the defacto complainant, he paid a sum of Rs.4,55,000/- to A1, Rs.5,04,000/- to A2, Rs.4,55,000/-to A3 and Rs.1,29,600/- to A4 as interest for the above said loan amount.

4. The learned counsel for the petitioners submitted that after the death of the defacto complainant's father, the defacto complainant approached the petitioners for loan to develop his business. The petitioners, in order to render financial support to the defacto complainant to develop his business, gave the above said amounts with minimum interest as agreed by the defacto complainant. He further submitted that now, taking advantage of the recent criminal incident happened in the exorbitant interest case, the defacto complainant foisted a false case against the petitioners.

5. The learned Government Advocate (Criminal side) appearing for the respondent, on instructions, would submit that the defacto complainant borrowed amount from various persons and now filed a complaint before the respondent police under the Exorbitant Interest Act and investigation is going on.

6. The learned counsel for the petitioners would submit that the petitioners fairly conceded that the defacto complainant borrowed a sum of Rs.7,00,000/- from A1, Rs.4,50,000/- from A2, Rs.50,000/- from A3 and Rs.1,82,000/- from A4 as loan and he paid a sum of Rs.21,000/- to A1, Rs.13,000/- to A2, Rs.10,000/- and Rs.35,000/- towards interest to the petitioners till date. He further submitted that the petitioners are ready to accept the remaining of the borrowed principal amount, less the amount he paid as interest to them. It is further submitted that the petitioners parted the money in order to develop his business even without receiving any security from him.

7. Considering the facts and circumstances of the case, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin 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 make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall not commit any offence while on bail;
- (iv) 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/-
29/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, TUTICORIN DISTRICT.
- 4 THE SUB-INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.35344
+1. CC to M/S.PM.VISHNUVARTHANAM Advocate SR.No.35335
+1. CC to M/S.M.PRABU Advocate SR.No.90417

ORDER IN
CRL OP (MD) Nos.16360,16361 & 16385 of 2017
Date :29/11/2017

MKV-CM-VR-SAR 3/5.12.2017/3P-9C