



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

Thursday, the Seventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16377 of 2017

PANDI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PC PATTI POLICE STATION,
THENI DISTRICT
CR NO. 806/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.SENGUTTUARASAN Advocate

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

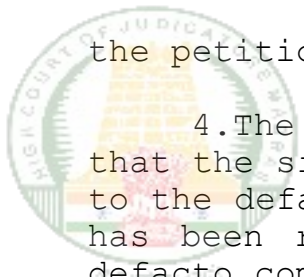
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.806 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.2,00,000/- from the petitioner, on terms to repay the amount with interest at the rate of Rs.6,000/- per month. Thereafter, the petitioner demanded the defacto complainant to repay the money with huge interest. Accordingly, the defacto complainant lodged this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and defacto complainant known to each other for the past 10 years and due to the friendship, the petitioner gave Rs.2,00,000/- to the defacto complainant as loan amount. When the petitioner demanded the defacto complainant to repay the loan amount, without repaying the loan amount the defacto complainant has lodged this false complaint. The petitioner did not commit any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that since the defacto complainant not repaying the amount, the petitioner had filed a civil suit for recovery of money before the civil forum. Except the money claim made in the civil suit, the petitioner did not claim any money from



the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the since petitioner is being a money lender, he paid the money to the defacto complainant for Exorbitant Interest, thereby the case has been registered on the basis of the complaint lodged by the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), since the petitioner filed a civil suit against the defacto complainant for recovery of money, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner 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 Police Station, Palani, daily at 10.00 a.m until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial;

(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/-
07/12/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE INSPECTOR OF POLICE
PC PATTI POLICE STATION,
THENI DISTRICT

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

COPY TO:-

THE INSPECTOR OF POLICE
PALANI

+1. CC to Mr.P.SENGUTTUARASAN Advocate SR.No.35845

JAM/13.12.17/PN/ SAR 4/ 3P-7C

ORDER

IN

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Date :07/12/2017