



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16686 of 2017

SELVARRAJ MARIAPPAN @ SELVAM CHETTIYAR ... PETITIONER / A7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
CRIME NO.610 OF 2017. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

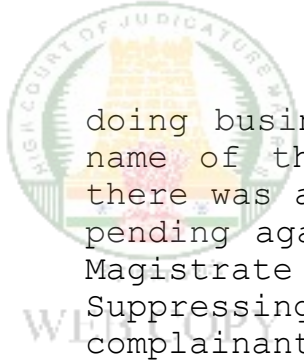
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.7, apprehend arrest at the hands of the respondent police for the 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.8,00,000/- from the petitioner for establishing his textile business and it is alleged that though the defacto complainant repaid interest at the rate of 30 paise, the petitioner has demanded more interest. Hence this case.

4. The learned counsel for the petitioner submitted that after the death of the defacto complainant's father, the defacto complainant approached the petitioner and other accused persons for loan to develop his business. The petitioner, in order to render financial support to the defacto complainant to develop his business gave loan amount 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 petitioner and other accused persons. Moreover, the defacto complainant is



doing business in the petitioner's premises, which is stand in the name of the petitioner's wife. He further submitted that already there was a case under Section 138 of Negotiable Instruments Act, is pending against the defacto complainant before the learned Judicial Magistrate No.I, Kovilpatti, which was filed by the petitioner. Suppressing the same, in order to escape from the case, the defacto complainant lodged a false complaint against the petitioner. It is further submitted that the petitioner parted the money in order to develop his business even without receiving any security from him.

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. Considering the facts and circumstances of the case, 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 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), 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 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
06/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.35655

ORDER

IN

CRL OP (MD) No.16686 of 2017

Date : 06/12/2017

MS/CM-VR/SAR.2/08.12.2017/3P.6C