



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.16719 of 2017

ABDUL HAKKIM,

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO.542 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.SUSI KUMAR Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

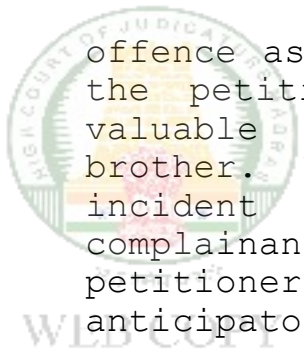
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.542 of 2017, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is having two brothers. The younger brother of the defacto complainant borrowed a sum of Rs.50,000/- and the elder brother of the defacto complainant borrowed a sum of Rs.1,00,000/- from the petitioner for which the elder brother executed their ancestor house in favour of the petitioner in the year 2010. Now, the petitioner demanded Rs.4,00,000/- with exorbitant interest for the borrowed amount. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioner on 25.08.2017, alleging that the petitioner has illegally purchased their ancestor property and also demanded exorbitant interest for the borrowed amount. Based on the complaint, a case has been registered for the above said offence against the petitioner.

<https://hcservices.courts.mdy.in/hcservices/>
3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any



offence as alleged by the prosecution. He further submitted that the petitioner purchased the property in the year 2010 for valuable sale consideration from the defacto complainant's brother. Now, taking advantage of the Tirunelveli criminal incident regarding the exorbitant interest, the defacto complainant filed a false case before the respondent police. The petitioner has been falsely implicated in this case and prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, 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 No.V, Tirunelveli, on condition that the petitioner 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 report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks and thereafter as and when required;

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

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) 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 /



PJL
TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
MANUR POLICE STATION, TIRUNELVELI DISTRICT.

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

GJM/RR/SAR-I-12.12.2017-3P-5C

ORDER

IN

CRL OP(MD) No.16719 of 2017

Date :06/12/2017