



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.16732 of 2017

1 KALEESWARI
2 JEYASANKAR

... PETITIONERS / ACCUSED 1&2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 251/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.MALAIYENDRAN Advocate

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

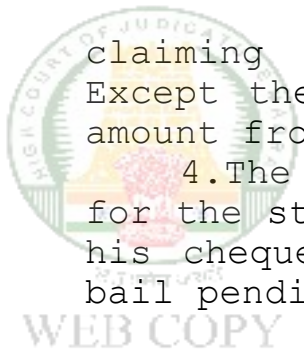
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.251 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.1,50,000/- from the petitioner and demanded to repay the same with huge interest. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that defacto complainant and the petitioner are known to each other. On the basis of their friendship, the petitioner gave a sum of Rs.1,50,000/- to the defacto complainant as loan amount. When the petitioner demanded the defacto complainant to repay the said amount, taking advantage of Thamirabarani incident, the defacto complainant has lodged a complaint before the respondent police. For the very same allegation the petitioner had filed a private complaint, under Section 138 of N.I.Act, by



claiming the amount borrowed by the defacto complainant. Except the cheque amount, the petitioner did not claiming any amount from the defacto complainant.

4. The learned Government Advocate (Criminal side) appearing for the state would submit that since the petitioner restricted his cheque amount, there is no need to kept the anticipatory bail pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), 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 learned Judicial Magistrate, Karaikudi, 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 Second petitioner shall report before the respondent police, daily at 10.30 a.m for a period of four weeks, thereafter as when required for interrogation;

(ii) the 1st petitioner shall report before the respondent police, as and when required for interrogation;

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

(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/-
07/12/2017

/ TRUE COPY /

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



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TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.35786

GJM/PM/PN/SAR-2-13.12.2017-3P-6C

ORDER

IN

CRL OP(MD) No.16732 of 2017

Date :07/12/2017