



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17249 of 2017

ABDUL HAKKIM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.558/2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN Advocate

For Respondent : MR.M.MURUGAN, FOR MR.K.ANBARASAN,
Government Advocate (Crl. Side)

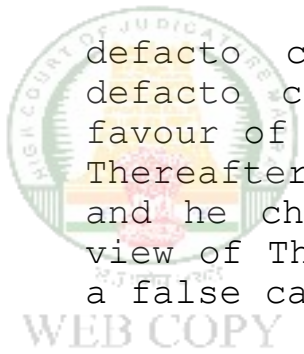
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Sole Accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 of I.P.C., and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.558 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.20,000/- (Rupees Twenty Thousand only) from the petitioner in the year 2003. Since the defacto complainant was unable to repay the amount, he executed a mortgage deed in favour of the petitioner. The petitioner paid the interest amount regularly till the year 2011. The petitioner issued a legal notice to the defacto complainant to vacate the premises and hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He would further submit that the defacto complainant borrowed a sum of Rs.20,000/- (Rupees Twenty Thousand only) from the petitioner and subsequently, the



defacto complainant did not repay the amount. Hence, the defacto complainant and her son executed the sale deed in favour of the petitioner on 19.02.2004 in Document No.421/2004. Thereafter, the petitioner was in possession of the property and he changed all the revenue records in favour of him. In view of Thamirabarani incident, the defacto complainant foisted a false case against the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner purchased the property from the defacto complainant in the year 2004 itself.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), 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) 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 petitioner shall report before the respondent police, as and when required for interrogation;

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

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

(iv) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

14/12/2017

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



MRN

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 DO THOROUGH 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.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.36274

GJM/PM/PN/SAR-I-22.12.2017-3P-6C

ORDER

IN

CRL OP (MD) No.17249 of 2017

Date :14/12/2017