



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

Friday, the Fifteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17310 of 2017

1 A.Veerappan

2 Annamalai

... PETITIONERS/ ACCUSED NO.3 & 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SOMANATHAPURAM,
SIVAGANGAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.K.PRABHU 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 petitioners, who are arrayed as Accused No.3 & 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b) & 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act 2003, in Crime No.97 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a money transaction in between the petitioners and defacto complainant. The defacto complainant's father borrowed a sum of Rs.10,00,000/- from the petitioners for her marriage and regularly paying the interest. Thereafter, since the petitioners threatening the defacto complainant for payment of money with huge interest, the defacto complainant filed a complaint against the petitioners before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and did not commit any offence as alleged by the prosecution. In fact the father of the defacto complainant borrowed money from the petitioners and he had issued a cheque in favour of the 2nd petitioner. Since there was a default in realisation of cheque, as per law the 2nd petitioner



instituted a case under Section 138 of Negotiable Instrument Act, against the defacto complainant's father before the competent Court. Hence, in order to wreck vengeance the defacto complainant filed a complaint before the respondent police.

4. The learned Government Advocate (Criminal side) would submit that admittedly since there was a money dispute between the petitioners and the defacto complainant, a petition under Section 138 of N.I. Act is pending against the defacto complainant's father before the lower Court.

5. Considering the facts and circumstances of the case and also considering the submissions 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, Sivagangai District, 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 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 petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders;
- (ii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (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/-
15/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.

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

3. THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SOMANATHAPURAM, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.K.PRABHU Advocate SR.No.36337

ORDER

IN

CRL OP(MD) No.17310 of 2017

Date :15/12/2017

MKV/CM-VR/SAR.1/15.12.2017/3P.6C