



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17458 of 2017

PERIATHAMBI @ SELVAKUMAR ... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.328/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM 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/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of I.P.C., r/w Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, in Crime No. 328 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,00,000/- from the petitioner and executed a sale deed on 20.07.2015. After payment of the interest and loan amount, the petitioner has to return back the property to the defacto complainant. However, the petitioner demanded more money. Even after the execution of the sale deed, the defacto complainant filed a complaint under the Exorbitant Interest Act.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that the petitioner purchased the property from the defacto complainant on 20.07.2015. After payment of sale consideration, in order to increase the property value, thereby, the defacto complainant filed a complaint as if the petitioner demanded more money under the Exorbitant Interest Act.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the facts submitted by the learned counsel for the petitioner. He further submitted that investigation is still pending.

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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 petitioner, 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, Karaikudi, Sivagangai District, 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 respondent police, daily at 10.30 a.m., for a period of four weeks;

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

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

(vi) 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/-
19/12/2017

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



TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.

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

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

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.36469

ORDER

IN

CRL OP(MD) No.17458 of 2017

Date :19/12/2017

MS/VC/SAR.1/22.12.2017/3P.6C