



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17695 of 2017

1 B.SURULIRAJ
2 SANKARANARAYANAN
3 MUTHURAMALINGAM

... PETITIONERS / ACCUSED No.1,2&3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
(CR.NO.1114/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.J.JEYAKUMARAN Advocate

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

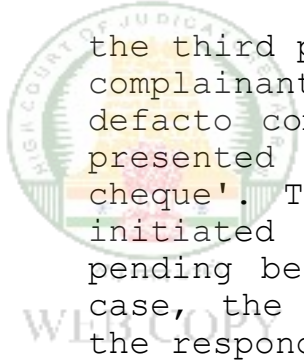
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of I.P.C., and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.1114 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.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) from the petitioners in the year 2015 and as a security, the defacto complainant gave 7 unfilled cheques in favour of the petitioners. Thereafter, the defacto complainant paid a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) along with interest. Even then, the greedy petitioners demanded money with huge interest from the defacto complainant and compelling him to execute a sale deed in favour of the petitioners on 27.02.2016 with a bond of Rs.25/- (Rupees Twenty Five only) stamp papers. Unable to bear the torture of the petitioners, the defacto complainant lodged a complainant before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that in fact the defacto complainant received a sum of Rs.5,00,000/- (Rupees Five Lakhs only) from the first petitioner in the year 2013 and RS.3,00,000/- (Rupees Three Lakhs only) from the second petitioner in the year 2013 and Rs.3,00,000/- (Rupees Three Lakhs only) from



the third petitioner in the year 2015 and as a security, the defacto complainant gave a filled cheque to the petitioners. Since the defacto complainant did not repay the said amount, the cheque was presented before the bank and it was returned as 'dishonoured cheque'. Thereafter, the proceeding under Section 138 N.I.Act was initiated against the defacto complainant and the same is still pending before the concerned Court. In order to evade the pending case, the defacto complainant lodged the present complaint before the respondent police.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that A7 was arrested and remanded to judicial custody and investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side) and the cheque case against the defacto complainant is still pending before the concerned Court, 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 , Theni, 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 petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (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/-

21/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.36802

ORDER

IN

CRL OP(MD) No.17695 of 2017

Date :21/12/2017

MKV-RR-SAR 3/27.12.2017/3P-6C