



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

Friday, the Twenty Second day of December Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17794 of 2017

WEB COPY

1 VAIGUNDAM

2 MURUGAN

... PETITIONERS / ACCUSED RANK NOT KNOWN
Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SRIVAIGUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.381/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.GANESAN 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, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), and 506(ii) of I.P.C., r/w. Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.381 of 2017, on the file of the respondent police, seek anticipatory bail.

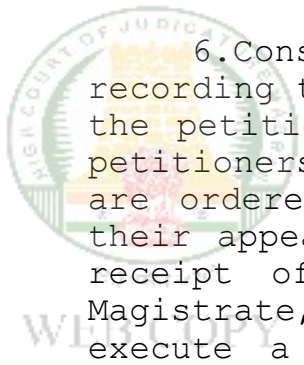
2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) from the petitioners. Since the defacto complainant did not repay the said amount, the petitioners compelled the defacto complainant to execute a sale deed in favour of the petitioners. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that initially the defacto complainant borrowed a sum of Rs.7,30,000/- (Rupees Seven Lakhs and Thirty Thousand only) from the petitioner and subsequently he did not repay the entire dues. Hence, the petitioner demanded the money from the defacto complainant.

4.Today, the petitioners filed an undertaking affidavit before this Court wherein it has been stated as follows:

"Now I am hereby undertaking that I will not demand loan amount and its interest from the defacto complainant."

5.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the factual aspects made by the learned counsel for the petitioners.



6. Considering the facts and circumstances of the case and also recording the undertaking affidavit filed by the learned counsel for the petitioners, 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, Srivaikundam, 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., for a period of four weeks, and thereafter, as and when required for interrogation;

(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/-

22/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.37025

ORDER IN

CRL OP (MD) No.17794 of 2017

Date :22/12/2017