



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18001 of 2017

1 D.KASIMAYAN
2 PERUMAL @ VIJI
3 SUNDARAPANDI

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

IN CRIME NO.942 OF 2017.

... 1st RESPONDENT/COMPLAINANT

2 CHINNASAMY

... 2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : M/S.P.SENGUTTU ARASAN Advocate

For Respondent 1 : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

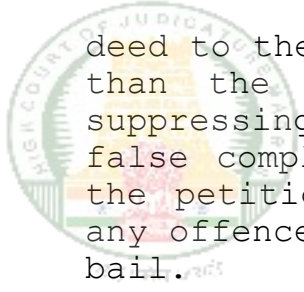
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 506(i) I.P.C. r/w 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.942 of 2017 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,00,000/- from the first petitioner at the rate of 5% interest per month. Subsequently, the defacto complainant repaid Rs.2,00,000/- to the first petitioner. Thereafter, the first petitioner demanded a sum of Rs.5,00,000/- as interest. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, case has been registered for the above said offence.

4.It is submitted by the learned counsel for the petitioner that the first petitioner gave a sum of Rs.5,00,000/- to the defacto complainant at the rate of 2% interest per month and on the same day, the defacto complainant executed a promissory note in favour of the first petitioner as surety and handed over the original sale



deed to the first petitioner. The petitioners 2 and 3 are none other than the son and nephew of the first petitioner. Thereafter, suppressing the original fact, the defacto complainant lodged a false complaint against the petitioners. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and prays for anticipatory bail.

5.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the serious offence said to have been committed by the petitioners, which fall under the Indian Penal Code and the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/12/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18001 of 2017
Date :28/12/2017

MKV-PM-PN-SAR 3/3.1.2018/2P-3C