



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16091 of 2017

MARIKANI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.947 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAMASAMY 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 Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime Nos. 947 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.10,000/- from the petitioner. Thereafter, the petitioner demanded huge money with interest. Aggrieved by the same, the defacto complainant filed a complaint before the respondent police under Exorbitant Interest Act.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. In support of his contention, he also filed the affidavit before this Court. The relevant paragraph is as follows:

"I humbly submit that I did not know the complainant in this case. I hereby undertake that I will not claim a sum of Rs.10,000/- or any other amount or interest from the complainant namely Mohamed Usen. The complaint is lodged against me falsely"



4. The learned Government Advocate (Crl.side) appearing for the State submitted that the affidavit filed by the petitioners, since the petitioner did not make any claim against the defacto complainant, the bail may be granted.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 No.I, Virudhunagar, 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 and thereafter the petitioner shall report before the respondent police, once in a week, on every monday at 10.30 a.m.;

(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 themselves 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/-
24/11/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.35096

ORDER
IN
CRL OP(MD) No.16091 of 2017
Date :24/11/2017

MS/PM-PN/SAR.4/28.11.2017/3P.6C