

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21550 of 2018

PALANISAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT
CR.NO.313 OF 2018.

For Petitioner : M/S.S.N.SUBRAMANI Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offence punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.313 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is A2 in this case. The case of the prosecution is that the petitioner along with other accused borrowed Rs.ten lakhs from the defacto complainant and failed to repay the same, for which on the complaint given by the defacto complainant, a case has been registered by the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner has not borrowed any amount from the defacto complainant and he is only a mediator and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that the due to money dispute between the parties, the defacto complainant has given the present complaint and that the petitioner had not borrowed any amount from the defacto complainant and that investigation is pending.

5. Considering the nature of allegations against the petitioner in this case and the fact that the petitioner had not borrowed any amount from the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Judicial Magistrate, Attur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further Orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) 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 as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

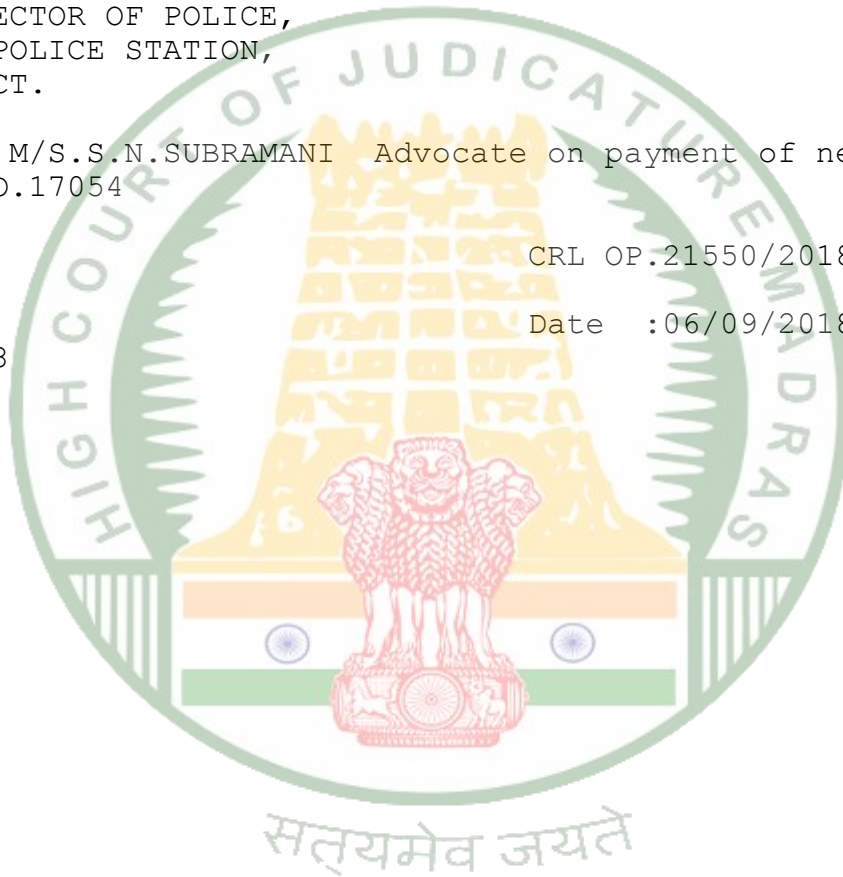
4 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.

+1CC to M/S.S.N.SUBRAMANI Advocate on payment of necessary
charges SR NO.17054

CRL OP.21550/2018

Date :06/09/2018

MK:11/09/2018



WEB COPY