



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

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21414 of 2018

1 RAMESH
2 RATHIKA

... PETITIONERS / ACCUSED

Vs

THE INSPECTOR OF POLICE
S.V.KARAI POLICE STATION,
THIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.INIYAVAN, Advocate for Mr.POLAX LEGAL
SOLUTIONS Advocate
For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 2 and 4 of Tamil Nadu Exorbitant Interest Act and 506 (ii) IPC in Cr.No.217 of 2018, seek anticipatory bail.

2.The defacto complainant had availed a sum of Rs.1.5 lakhs during the year 2015, for which, the sale agreement of the only property of the defacto complainant was obtained by the petitioners. The defacto complainant had so far paid around Rs.3 lakhs for the loan of Rs.1.5 lakhs. The defacto complainant had given details about the period, in which he had made payments. The contention of the petitioner is that the petitioner had filed a civil suit for specific performance in O.S.No.523 of 2018 on 20.11.2018 before the Principal Sub Court, Thenkasi. On coming to know about the same, the defacto complainant had lodged the present complaint on 27.11.2018.

3.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

4.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, Sengottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the



said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall appear before the trial Court on all hearing dates without fail.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SENGOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI .
- 3 THE INSPECTOR OF POLICE
S.V.KARAI POLICE STATION, THIRUNELVELI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.LASKSHMI GOPINATHAN, Advocate for Mr.POLAX LEGAL
SOLUTIONS Advocate SR.No.22648

PS/JC/SAR-3/11/12/2018/2P/6C

ORDER

IN

CRL OP (MD) No.21414 of 2018

Date : 04/12/2018