



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1247 of 2018

KOMBAIAH

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
(CR.NO.16/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S.A.ROBINSON, 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, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of IPC., r/w Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.16 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant obtained loan a sum of Rs.1,45,000/- from the petitioner. Thereafter, the defacto complainant could not able to repay the loan amount for which, the petitioner developed quarrel against the defacto complainant by demanding exorbitant interest. Hence, this case has been registered against the petitioner for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the defacto complainant herein availed loan from the petitioner to the tune of Rs.1,45,000/-. Now, according to the petitioner, no document is executed at the time of giving loan. Generally, no man can give Rs.1,45,000/- as loan to the other person without any documents. So, that attitude of the petitioner creates a doubt and *prima facie* case in the complaint given by the defacto complainant. Therefore, considering the nature of offence committed by the petitioner, custodial interrogation is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1247 of 2018
Date :02/02/2018

PK/PM-PN/SAR-4/16.02.2018 : 2P/3C