



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1457 of 2018

1 DURAI RAJ @ DURAI RAJA

2 SANKARAMMAL

3 LAKSHMI @ MUTHU LAKSHMI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE,
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
(CRIME NO.387 OF 2017).

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.RAMASUBBU Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1, A2 & A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 448, 294(b), 506(ii) IPC r/w Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.387 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant borrowed a sum of Rs.6,00,000/- from 1st petitioner and a sum of Rs.2,90,000/- from A2 and a sum of Rs.2,00,000/- from A3 for her urgent need and so far, she repaid a sum of Rs.19,36,000/- towards principal and interest, however, the petitioners are insisting further amount.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



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

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioners herein made demand to the de facto complainant to pay more interest for the loan availed by her. According to the submissions of the learned counsel appearing for the petitioners, the petitioners are not committed any offence as alleged by the prosecution.

6. Taking the above said aspects into consideration and considering the age of the first and second petitioner, this Court is inclined to grant anticipatory bail to them, with certain conditions. Accordingly, they 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 Court No.V, Tirunelveli, on condition that each of the petitioners 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 first and second petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

(ii) the first and second petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the first and second petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the first and second petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the first and second petitioners in accordance with law as if the conditions have been imposed and the first and second 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]**.



7. Considering the nature of offence committed by the third petitioner, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the third petitioner.

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sd/-
31/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.RAMASUBBU Advocate SR.No.1638

GNS
GJM/RR/SAR-3-7.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1457 of 2018
Date :31/01/2018