



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.239 of 2018

RAVEENDRAN (RAVI)

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
IN CRIME NO.435/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.PRABHU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

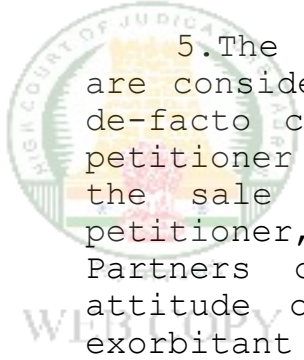
ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who was arrested on 18.12.2017 and remanded to judicial custody on the same day for the offences punishable under Sections 420 and 506(i) IPC, Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 11(1)(b) of Tamil Nadu Money Lenders Act, 1957, in Crime No.435 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the father of the de-facto complainant borrowed a sum of Rs.1,20,00,000/- from the petitioner and gave a Power of Attorney in his favour. After the death of his father, the petitioner threatened the de-facto complainant to execute a sale deed to him by charging exorbitant interest, which resulted in registration of the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is ready and to abide by any conditions being imposed by this Court.

4.The learned Government Advocate (Criminal side) has strongly objected to the grant of bail, contending that the investigation of the case is in the crucial stage and if the petitioner/accused, being a retired police officer, is let out on bail, there is every possibility of tampering the witnesses/evidence and hampering the investigation.



5.The submissions made by the learned counsel on either side are considered. As per the case of prosecution, the father of the de-facto complainant availed a loan of Rs.1,20,00,000/- from the petitioner herein. Further, the same was repaid by way of executing the sale deed in favour of so many persons related to the petitioner, for which, during the time of investigation, the then Partners of the petitioner herein, gave statements about the attitude of the petitioner, the manner in which, he collected exorbitant interest. Even though the sale deeds submitted by the petitioner's counsel are all registered ones, for which, the de-facto complainant herein made allegations that at the time of availing loan, the petitioner herein obtained the signature of his father in so many stamp papers and in the form of Power of Attorney. Further, he levelled allegations that the petitioner intimidated and compelled him to make the sale deed.

6.In the above circumstances, even though the documents submitted by the petitioner's counsel are in favour of the petitioner, the statements given by the witnesses created a *prima facie* case against the petitioner. Since the investigation is in the crucial stage, if the petitioner, being a retired police officer, is let out on bail, there is every possibility of tampering the witnesses/evidence and hampering the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
- 2 THE OFFICER-IN-CHARGE, SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.PRABHU Advocate SR.No.500

ORDER
IN
CRL OP(MD) No.239 of 2018
Date :10/01/2018

PK/CM-VR/SAR-4/11.01.2018 : 2P/5C