



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2460 of 2018

MURUGAPANDI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
KADUPATTI POLICE STATION,  
MADURAI DISTRICT.  
(CR.NO.358 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.RAMESHKUMAR Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

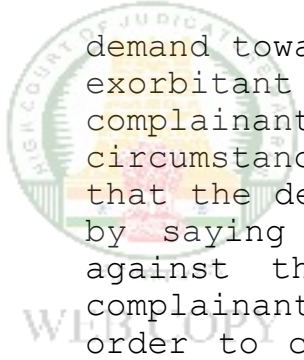
The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 506(i) & 306 I.P.C and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.358 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father borrowed a sum of Rs.4,50,000/- from A1 and he repaid the maximum amount. Though he settled the amount, A1 demanded exorbitant interest, due to which, the defacto complainant's father committed suicide. Hence, a case has been registered for the above said offence.

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

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5. The submission made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, one Paulraj who is another accused in this case made



demand towards the father of the defacto complainant for paying the exorbitant interest, due to which the father of the defacto complainant consumed poison and committed suicide. In the above said circumstances, on go through the First Information Report, it shows that the defacto complainant made allegation against this petitioner by saying that there is a due of Rs.40,000/- alone is pending against this petitioner. Except above said words, the defacto complainant had not mentioned anything about this petitioner. So, in order to complete the investigation with regard to the petitioner herein, custodial interrogation may not be necessary. Furthermore, the accused who is arrayed as A1 in this case was already arrested and remanded to judicial custody. Considering the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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 learned District Munsif Cum Judicial Magistrate, Vadipatti, on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.00 a.m. Until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-  
16/02/2018

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, VADIPATTI,  
MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,  
KADUPATTI POLICE STATION,  
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.2606

MSA

JAM/26/02/2018/PM-PN/ SAR 1 / 3P-6C

ORDER

IN

CRL OP (MD) No.2460 of 2018

Date :16/02/2018