



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2826 of 2018

1 SARAVANAN

2 MANI @ MANIKANDAN

... PETITIONERS / ACCUSED NO.1&2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY,
CR.NO.661/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.RAMESH ARUMUGAM 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, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b) & 506(ii) of I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, registered in Crime No.661 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.20,000/- from the 1st petitioner and agreed to repay the amount with interest. But, even after the defacto complainant paid a sum of Rs.40,000/- to the 1st petitioner, the 1st petitioner abused the defacto complainant and demanded more money from him by giving life threat. Thereby, the defacto complainant lodged the complaint against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged by



the prosecution and they are in no way connected with the offences, hence he pleads for grant of anticipatory bail to the petitioners.

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

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5.The submissions made by the counsel appearing on either side are considered. It is alleged that during the time of occurrence the defacto complainant borrowed a sum of Rs.20,000/- and repaid the same to the tune of Rs.40,000/-. According to the prosecution, the relative of the defacto complainant lodged one another complaint against the 1st petitioner which was registered in the same police station. However, the counsel appearing for the petitioner undertakes to file an affidavit before the Magistrate Court for not demanding any other amount from the defacto complainant. So, considering the quantum of amount which was availed by the defacto complainant and due to the payment is admitted by the petitioner custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.IV, 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 petitioners shall file an affidavit before the Judicial Magistrate Court as not to demand any money from the defacto complainant furthermore.

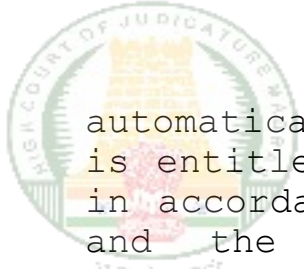
(ii) the petitioners shall report before the respondent police, daily at 10.00 a.m. until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand



automatically cancelled and 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]**.

sd/-
22/02/2018

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

TO

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

+1. CC to M/S.N.RAMESH ARUMUGAM Advocate SR.No.2890

TM
GJM/CM/VR/SAR-3-27.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.2826 of 2018
Date :22/02/2018