



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

Friday, the Twenty Third day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2876 of 2018

LAKSHMI @ MUTHU LAKSHMI

... PETITIONER/ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.387/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Cr1. Side)

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

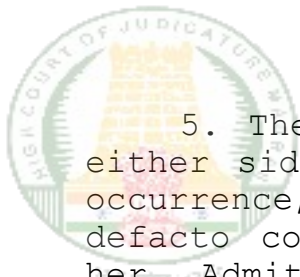
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 506(ii) of IPC., r/w. Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.387 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are neighbours. The defacto complainant borrowed a sum of Rs.6,00,000/- from A1, Rs.2,90,000/- from A2 and Rs.2,00,000/- from this petitioner/A3. So far, the defacto complainant repaid the principle and interest to the tune of Rs.19,36,000/-. But, the petitioner and other accused demanded more interest from her. Hence, the present case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the petitioners demanded exorbitant interest from the defacto complainant. He further submitted that the investigation is almost over.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and two other accused made demand to the defacto complainant to pay more interest for the loan availed by her. Admittedly, the defacto complainant and the petitioners are Government servants. Eventhough, much allegation is levelled against this petitioner in the FIR, today when the matter is taken up for hearing, the learned Government Advocate (Criminal side) submitted that the investigation in this case is almost completed. Thereby, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate No.V, Tirunelveli, 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 twice, at 10.00 a.m., and 05.00 p.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 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/-
23/02/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 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.P.M.VISHNUVARTHANAN Advocate SR.No.3152

ORDER

IN

CRL OP(MD) No.2876 of 2018

Date :23/02/2018

SMA/VC/SAR-2/01.03.2018:3P/6C