



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.2901 of 2018

KOMBAIAH,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO.16 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK 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/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and Section 506(i) of IPC., read with Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.16 of 2018, seeks anticipatory bail.

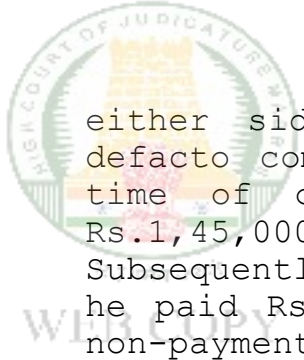
2. The case of the prosecution is that the defacto complainant and the petitioner are well known to each other. The defacto complainant borrowed a sum of Rs.1,45,000/- from this petitioner. Thereafter, due to inability, the defacto complainant could not able to repay the loan amount. Thereby, the petitioner made quarrel with the defacto complainant by demanding more interest. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and 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 respondent submitted that the investigation is going on.

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

5. The submissions made by the learned counsels appearing for



either side are considered. Admittedly, the petitioner and the defacto complainant are neighbours. It is alleged that during the time of occurrence, the petitioner herein availed a loan of Rs.1,45,000/- for which he paid interest of Rs.7,000/- per month. Subsequently, he availed another one loan of Rs.25,000/- for which he paid Rs.2,500/- per month by way of interest. Now, due to the non-payment of the interest, the petitioner threatened the defacto complainant. Subsequently, the case has been registered. As of now, as per the submission made by the learned Government Advocate (Criminal side), part of the investigation is completed. Therefore, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Hence, 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 her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.IV, 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, 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 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

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI

2 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.M.S.JEYAKARTHIK Advocate SR.No.3014

ORDER

IN

CRL OP(MD) No.2901 of 2018

Date :23/02/2018

SMA/CM-VR/SAR-1/02.03.2018:3P/6C