



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3386 of 2018

1 SUJI THARAKAI

2 FELIX PREMKUMAR

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.
IN CR.NO. 91/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.PALANIVELAYUTHAM, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

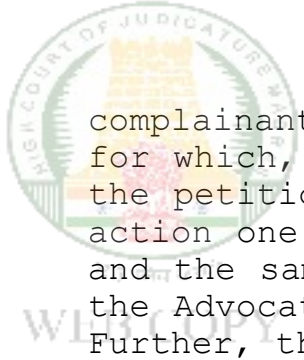
The petitioners, who are arrayed as accused nos.1 and 2 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 406 and 420 of IPC and Section 4 of Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.91 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is said to have availed a loan of Rs.1,00,000/- from the petitioners, for which, the petitioners, now, demanding a sum of Rs.5,00,000/-. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioners are husband and wife. It is alleged, during the time of occurrence, the defacto



complainant availed a loan of Rs.1,00,000/- from the petitioners, for which, they have demanded a sum of Rs.5,00,000/-. According to the petitioners, before registering the case, for the same cause of action one another application was filed by the defacto complainant and the same was closed and thereafter, the petitioners, approached the Advocate and filed a complaint under Section 156(3) of Cr.P.C.. Further, the other accused in this case has already been released on bail. Moreover, on 17.01.2018, the police officials requested the defacto complainant to face the dispute in the judicial forum. According to the prosecution, now, portion of the investigation is completed. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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, Alangulam, Thirunelveli District, 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 appear before the respondent Police daily 9.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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/-
05/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.3555

ORDER

IN

CRL OP(MD) No.3386 of 2018

Date :05/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/6C