



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3717 of 2018

SURESHKUMAR

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.
IN CR.NO.402/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR 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 :-

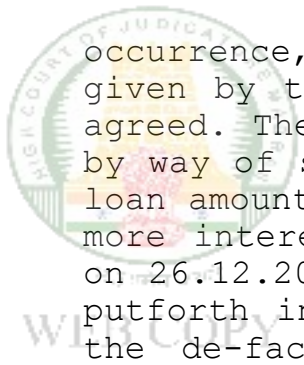
The petitioner is arrayed as first accused in Crime No. 402 of 2017 on the file of respondent police, for the alleged offences punishable under Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, he filed this application, seeking to relief of anticipatory bail.

2. The case of the prosecution is that the de-facto complainant received Rs.12,00,000/- from the petitioner for which he had given 19 cents of land as security and also paid the interest. On such way the defacto complainant paid Rs.15,00,000/- as interest and Rs.9,50,000/- as principal amount. Thereafter, the petitioner demanded Rs.16,00,000/- for cancelling the deed executed as a security. Hence, a case has been registered against the petitioner for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he had not committed any offence as alleged by the prosecution. He would further submit that he had been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, the petitioner refused to return the land which was given by the defacto complainant as a security to loan availed as agreed. Thereby, the properties stand in the name of the petitioner by way of sale deed had not been returned. Even after receiving the loan amount along with interest, now, the petitioner demanded to pay more interest for retransferring the property, which was purchased on 26.12.2014. Now, on the side of the prosecution no documents was putforth in order to show the sale deed executed by the father of the de-facto complainant, only for security reason to the loan availed by the de-facto complainant. Considering the facts and circumstances of the case, 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Padmanabhapuram, 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 Sivagangai Town Police Station, Sivagangai daily at 10.30 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/-

09/03/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION, KANYAKUMARI DISTRICT.

4 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI.

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.3799

ORDER

IN

CRL OP(MD) No.3717 of 2018

Date :09/03/2018

MKV-MT-PN-SAR 4/16.3.2018/3P-7C