



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3781 of 2018

CHANDRAN,

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY

THE SUB INSPECTOR OF POLICE,

THENI POLICE STATION, THENI.

IN CRIME NO.150 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.ASOK KUMAR RAM 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 :-

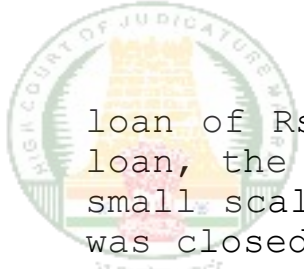
The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offence punishable under Section 4 of TNPCEI Act, in Crime No.150 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused are said to have demanded exorbitant interest, for the loan availed by the defacto complainant. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. As per the averments made in the First Information Report, the petitioner herein / A1 gave a



loan of Rs.80,000/- to the defacto complainant. After availing loan, the defacto complainant along with one Perumal initiated small scale business. Now, due to the loss, the said business was closed and the defacto complainant is now working as a Time Keeper in Theni Bus Stand. While so, the petitioner / A1 and other accused alleged to have demanded exorbitant interest and threatened the defacto complainant. Considering the nature of offence committed by the petitioner, in order to complete the investigation, the custodial interrogation of the petitioner may not be necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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. for a 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 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/-
12/03/2018

/ TRUE COPY /



trp
TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION, THENI.

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

+1. CC to M/S.K.ASOK KUMAR RAM Advocate SR.No.3875

GJM/CSL/RR/SAR-2-19.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3781 of 2018

Date :12/03/2018