



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.434 of 2018

SIVAKUMAR

... PETITIONER / ACCUSED No.7

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
(CR.NO.618/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294(b) of IPC, and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.618 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed loan from 17 persons for developing his business and subsequently he suffered heavy loss and he was not in a position to repay the amount. Thereafter, he lodged a complaint before the respondent police as against the petitioner and 16 others on the allegation of demanding exorbitant interest for the borrowed loan amount. Hence, the present case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant borrowed the loan amount for interest and when the defacto complainant is not in a position to repay the amount, he has lodged a false complaint against the petitioner and other persons. Hence, he prays for anticipatory bail.



complainant borrowed the loan amount from this petitioner and 16 others and the total loan amount was not repaid so far. She further submitted that the investigation is still pending.

5. The submissions made by either side are considered. The case was registered against the petitioner and 16 others for the offence under Section 294(b) of IPC, and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003. The defacto complainant admitted in the complaint itself that he borrowed loan from 17 persons for developing his company. Further, he admitted that the loan amount was availed in the year 2013. The petitioner is arrayed as seventh accused in this case. The learned Government Advocate (Criminal side) fairly conceded that the total loan availed from the petitioner is not repaid so far. Hence, considering the period in which the alleged occurrence was happened and also considering the fact that 17 persons are arrayed as accused in this case, custodial interrogation is not necessary for completing the investigation in this case. Therefore, considering the facts and other 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.I, Usilampatti, Madurai District, 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:

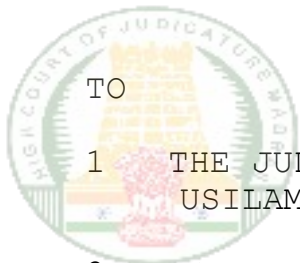
- (i) the petitioner shall report before the investigation officer, daily at 10.00 a.m., until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioner shall not abscond either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (iv) On breach of any of the aforesaid conditions, 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/-
10/01/2018

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Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE NO.1,
USILAMPATTI, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.604

JAM/12/01/2018/RR/ SAR 3/ 3P-6C

ORDER

IN

CRL OP(MD) No.434 of 2018

Date :10/01/2018