



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

Wednesday, the Tenth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.455 of 2018

1 RAJAN

2 MATHAVI

... PETITIONERS/ACCUSED RANK NO. 1 & 2

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANNIYAKUMARI DISTRICT
(CRIME NO. 1 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.ALAGUSUNDAR Advocate

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

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

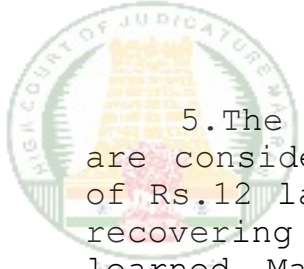
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b) and 506(i) of IPC in Crime No.1 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant borrowed a sum of Rs.12 lakhs from the first petitioner. The de facto complainant paid interest regularly. However, the petitioners demanded more money from the de facto complainant by threatening him with dire consequences. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and the petitioners also filed a complaint before the learned Magistrate concerned against the de facto complainant for recovering the said amount and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the investigation is still pending.



5.The submissions made by the learned counsel on either side are considered. Admittedly, the de facto complainant availed loan of Rs.12 lakhs from the first petitioner herein. In the process of recovering the same, the petitioners herein filed a case before the learned Magistrate under Section 138 N.I. Act and the same is pending. Therefore, institution of the present case shows that the petitioners are trying to recover the loan amount by way of legal proceedings. Hence, custodial interrogation is not necessary for completing investigation.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 No.I, Nagercoil, Kanniyakumari 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 report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-
10/01/2018

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



1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANNIYAKUMARI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT

3 THE SUB INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANNIYAKUMARI DISTRICT

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

+1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.585

ORDER
IN
CRL OP(MD) No.455 of 2018
Date :10/01/2018

SMA/CM-VR/SAR-2/12.01.2018:3P/6c