



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4857 of 2018

SARAVANAN,

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
CR.NO.697 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.RAMESH ARUMUGAM 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.2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.697 of 2017, seeks anticipatory bail.

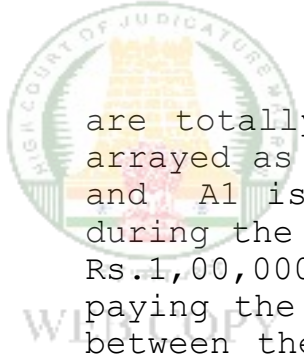
2.The case of the prosecution is that the defacto complainant is said to have received a sum of Rs.1,00,000/- as loan from the petitioner, for which, the petitioner has demanded exorbitant interest, after paying the principle amount. Thus, on complaint, a case has been registered against the petitioner.

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.

<https://hcservices.ecourts.gov.in/hcservices/>

5. It is alleged the offence was happened on 16.11.2017. There



are totally two accused in this case and the petitioner herein is arrayed as A2. Admittedly, the petitioner / A2 is the husband of A1 and A1 is the sister of the defacto complainant. It is alleged during the time of alleged occurrence, the petitioner gave a loan of Rs.1,00,000/- to the defacto complainant and thereafter, after paying the entire principle amount, there was a wordy quarrel arose between them. Consequently, the case has been registered against the petitioner.

6. Considering the relationship between the petitioner and the defacto complainant and that both of them are residing at permanent resident and that the entire principal amount was paid by the petitioner, this Court came to the conclusion that there may not be any chance for absconding. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 No.IV, Thirunelveli, 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. 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/-
28/03/2018

/ TRUE COPY /



trp
TO

1 THE JUDICIAL MAGISTRATE NO.IV, THIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI CITY.

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

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.5097

GJM/RR/SAR-I-5.4.18-3P-6C

ORDER

IN

CRL OP(MD) No.4857 of 2018

Date :28/03/2018