



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.926 of 2018

JOHN THINAGAR @ SANDRAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO.26 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESHA PANDIAN 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/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(ii) of IPC., and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.26 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.5,00,000/- from the petitioner for interest in the year 2013, for which he mortgaged his properties to the petitioner and also signed in some blank documents. Thereafter, in the year 2014, the defacto complainant repaid the entire loan amount with interest and asked the petitioner to return all his documents. But, the petitioner refused to give the documents, abused him using filthy language and threatened him with dire consequences. Hence, the case has been registered against the petitioner for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he is no way connected with the alleged occurrence. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays



for anticipatory bail to the petitioner.

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 on either side are considered. It is alleged that during the time of occurrence, the petitioner herein obtained signatures from the defacto complainant in so many unfilled stamp papers, pro-notes and other documents and demanded to pay exorbitant interest for the loan availed by him. This case was registered on 12.01.2018. Now, as per the documents submitted by the learned counsel for the petitioner discloses that earlier, in the month of December, the same defacto complainant lodged a complaint against the same petitioner herein, by mentioning the same allegations. The said complaint was closed by the respondent police on 27.12.2017 as no criminal offence is made out. Thereafter, this case has been registered against the petitioner. Hence, according to the submissions made by the learned counsel on either side, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and 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, Tirunelveli, 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 10.30 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/-
25/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.JEGADEESHA PANDIAN Advocate SR.No.1392

JAM/05/02/2018/PM-PN/ SAR 3/ 3P-6C

ORDER
IN
CRL OP(MD) No.926 of 2018
Date :25/01/2018