



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.949 of 2018

RAVEENDRAN(RAVI)

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

THANJAVUR MEDICAL COLLEGE POLICE STATION,

THANJAVUR.

CRIME NO.435/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KATHIRVELU, Senior Counsel for
M/S.K.PRABHU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 18.12.2017 for the offence punishable under Sections 420, 506(i) I.P.C., Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 11 (1) (b) of Tamil Nadu Money Lenders Act, 1957, in Crime No.435 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's father has borrowed a sum of Rs.1,20,00,000/- from the petitioner/sole accused. For security purpose, the petitioner herein obtained a power of attorney from the defacto complainant's father. After the death of his father, the petitioner threatened the defacto complainant to execute a sale deed to him by charging exorbitant interest, which resulted in registration of the present case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a sick patient and he is in judicial custody from 18.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that this is the third application for bail and an earlier



application filed in CrI.O.P(MD).No.239 of 2018 was dismissed by this Court on 10.01.2018. He further submitted that investigation is not completed. So far seven witnesses were examined on the side of the prosecution.

5. The submissions made by the learned counsel on either side are considered. It seems that on 18.12.2017, the petitioner was remanded to judicial custody for the offences punishable under 420, 506(i) I.P.C. and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 11 (1) (b) of Tamil Nadu Money Lenders Act, 1957. The petitioner being the retired Sub Inspector of Police. According to prosecution, as of now, seven witnesses were examined on the side of the prosecution. As per the case of the petitioner, the alleged documents which was mentioned by the defacto complainant are executed only based on the proper consideration, whether the contention of the petitioner is true or not, has to be identified only at the time of Trial. Hence, further custodial interrogation of the petitioner is not necessary for completing the investigation, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) 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 learned Judicial Magistrate No.II, Thanjavur District.

(ii) the petitioner is directed to appear before the Trichy Town Police Station daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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/-
22/01/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
 4. THE INSPECTOR OF POLICE,
TRICHY TOWN POLICE STATION.
 5. THE OFFICER INCHARGE, SUB JAIL, PAPANASAM,
THANJAVUR DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.PRABHU Advocate SR.No.1059

ORDER
IN
CRL OP (MD) No.949 of 2018
Date :22/01/2018

MS/PM-PN/SAR.4/22.01.2018/3P.8C