



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.17261 of 2017

1 R.KRISHNAN

2 RAMASAMY

... PETITIONERS/ ACCUSED NO.1 AND 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

CRIME NO. 97 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.BHARATHY KANNAN Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

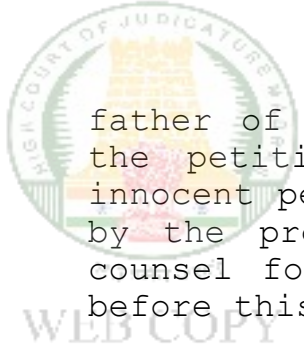
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(i) of IPC, and Section 4 of Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.97 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the father of the defacto complainant borrowed Rs.10,00,000/- and another Rs.5,00,000/- from the first petitioner/A1 and Rs.2,00,000/- and Rs.5,00,000/- from the third accused for which he executed a mortgage deed. Thereafter, since the father of the defacto complainant did not able to repay the interest, the accused threatened him and hence, he lodged a complaint. Based on the compliant, case has been registered for the above said offences.

3. The case of the petitioner is that the father of the defacto complainant executed a mortgage deed through which he received a sum of Rs.15,00,000/- as loan amount for interest at the rate of 4% from the first petitioner. Thereafter, at the time of repayment, the



father of the defacto complainant lodged a false complaint against the petitioners. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In order to show his bonafide, the learned counsel for the petitioner produced a copy of the mortgage deed before this Court.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that the investigation is still pending.

5. From the mortgage deed produced before this Court, it is clear that the defacto complainant was signed as one of the witnesses, which would show that the petitioner and the defacto complainant are having loan transaction. Thereafter during the time of repayment of the said loan, the defacto complainant's father lodged the present complaint against the petitioners. Hence, considering the loan transaction between the petitioners and the father of the defacto complainant, nothing has to be recovered by way of custodial interrogation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 investigation officer, daily at 10.00 a.m., for a period of one month and thereafter as and when required;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

WEB COPY

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
 3. THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BHARATHY KANNAN Advocate SR.No.14

ORDER
IN
CRL OP (MD) No.17261 of 2017
Date : 02/01/2018

MS/PM-PN/SAR.4/04.01.2018/3P.6C