



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17752 of 2017

1 DURAI RAJ @ DURAI RAJA
2 SANKARAMMAL
3 LAKSHMI @ MUTHU LAKSHMI ... PETITIONERS / ACCUSED Nos.2 to 3

Vs

THE INSPECTOR OF POLICE,
MUNNIRPALLAM POLICE STATION,
THOOTHUKUDI DISTRICT .
CR.NO.387 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.M.VISHNUVARTHANAN Advocate

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

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

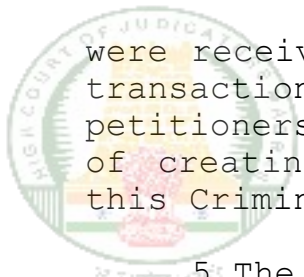
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b) and 506(ii) I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.387 of 2017 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant viz., Sampoorna Sunthari borrowed a sum of Rs.6,00,000/- from the first petitioner/A1; Rs.2,90,000/- from the second petitioner/A2; and Rs.2,00,000/- from the third petitioner/A3 for her urgent need and so far she repaid a sum of Rs.19,36,000/- towards principal and interest and the petitioners are insisting more money. Hence, a case has been registered against the petitioners for the offences stated above.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that after summoning the accused for enquiry, no documents



were received from them to know the factual aspects. If really the transaction to the tune of Rs.10,00,000/- is held between the petitioners and the de-facto complainant, there may be some chances of creating documents and therefore, she prayed for dismissal of this Criminal Original Petition.

5.The submissions made by the learned counsel on either side are considered. According to the prosecution, a case has been registered against the petitioners for the alleged offences punishable under Sections 448, 294(b) and 506(ii) I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Now, on going through the status report filed by the respondent police, reveals that after summoning the accused for enquiry, no documents were received from them to know the factual aspects. If really the transaction to the tune of Rs.10,00,000/- is held between the petitioners and the de-facto complainant, there may be some chances of creating documents. The learned counsel on either side do not show anything about the execution of documents at the time of availing loan. In the above situation, for completing investigation, custodial interrogation is necessary. Hence, this Criminal Original Petition is not having any merit and same is liable to be dismissed.

Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
MUNNIRPALLAM POLICE STATION ,
THOOTHUKUDI DISTRICT .
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/17/01/2018/CM-VR/ SAR 3 /2P-3C

ORDER

IN

CRL OP(MD) No.17752 of 2017

Date :09/01/2018