



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.18070 of 2017

1 SOUNDRAPANDIAN,
2 P.SUNDARAMOORTHY, ... PETITIONER(S) / ACCUSED

Vs

1 THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.235/2017)

2 VIMALA
W/O.AYYANAR, 5TH STREET,
TRANSPORT NAGAR,
KUNNOOR POST, KRISHNAN KOVIL,
VIRUDHUNAGAR DISTRICT

(R2 IMPLEAD AS PER ORDER OF THIS HON'BLE COURT
MADE IN CRL MP(MD).No.23/18 in CRL OP(MD)NO.18070/17
DATED.04.01.2018 BY RPAJ) ... RESPONDENTS/COMPLAINANTS

For Petitioners : M/S. J. JEYAKUMARAN Advocate

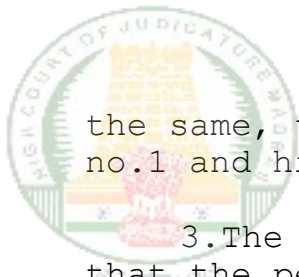
For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side) for R1
MR.S.RAVI, Advocate for R2

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 3 & 4 of Prohibition of Charging Exorbitant Interest Act in Crime No.235 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant borrowed a sum of Rs.1,90,000/- on various dates from the petitioners herein. Even though the de facto complainant repaid a sum of Rs.2,17,000/- with interest, the petitioners and his family members threatened the de facto complainant and demanded exorbitant interest of Rs.5,41,000/- as against Rs.1,90,000/-. Aggrieved by



the same, the de facto complainant filed a complaint against accused no.1 and his family members.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for offence punishable under Sections 3 & 4 of Prohibition of Charging Exorbitant Interest Act. It is alleged that during the time of occurrence, the de facto complainant availed loan of Rs.1,90,000/- for which the first petitioner obtained signature in various pro-notes. Now, after a lapse of three years, utilizing the empty pro-notes, the first petitioner herein filed a civil suit against the de facto complainant, which was pending in O.S.No.402 of 2017 on the file of the learned Sub Judge, Srivilliputhur. So if really the petitioners demanded exorbitant interest, that has to be decided only at the time of trial in the suit. So the evidence have to be collected in this case are available in the form of documents. Accordingly, custodial interrogation may not be necessary for completing the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that each of the petitioners 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:

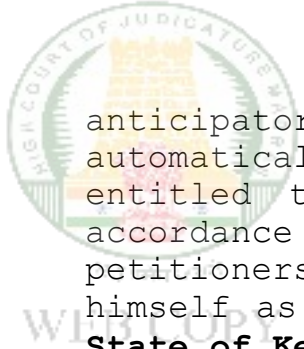
(i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

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

(iv) On breach of any of the aforesaid conditions, the



anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
30/01/2018

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. J. JEYAKUMARAN Advocate SR.No.1761

ORDER
IN
CRL OP(MD) No.18070 of 2017
Date :30/01/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c