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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7680 of 2018

1 R.MANI
2 GANESHAN ... PETITIONERS / ACCUSED No.1 & 2

Vs

THE STATE REP.BY
THE INSEPCTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT.
CRIME NO.150 OF 2018. ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.MITHUN CHAKRAVARTHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate

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 Section 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2002, in Crime No.150 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with one Perumal borrowed Rs.80,000/- and Rs.20,000/- from the petitioners for starting a business and agreed to repay the amount with interest at the rate of 10%. After paying the interest for about one year, the defacto complainant suffered loss in his business and could not pay interest. Therefore, the petitioners threatened him to pay both interest and loan amount in full immediately.

3.The learned counsel for the petitioners submitted that the petitioners never had any kind of the alleged money transaction with the defacto complainant and the petitioners are innocent persons and

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A1 was already released on bail by the learned Judicial Magistrate, Theni and they have been falsely implicated in this case with ulterior motive.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police, on instructions, would submit that there are totally 3 accused involved in this case and A1 had lent money to the defacto complainant and the defacto complainant paid the interest regularly for one year and thereafter, he could not pay the interest and therefore, the petitioners threatened the defacto complainant and the investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that one of the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Theni, Theni District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily, at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d]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 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/-
09/05/2018

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

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TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSEPCTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.A.MITHUN CHAKRAVARTHI Advocate SR.No.8332.

ORDER
IN
CRL OP(MD) No.7680 of 2018
Date :09/05/2018

SDS/PMI/VK/08.05.2018/2P/6C

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