



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

Monday, the Third day of September Two Thousand Eighteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) No.14371 of 2018

KABIL RAJA

... PETITIONER / SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DHENI
(CR NO.27 OF 2018)
CHITRA

... RESPONDENT / COMPLAINANT
... PETITIONER / INTERVENOR

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.V.NEELAKANDAN, ADDITIONAL PUBLIC PROSECUTOR
For Intervenor : MR.S.KRISHNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of I.P.C, in Crime No.27 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a sum of Rs.30 lakhs on various occasions from July 2017 onwards from the defacto complainant with a promise that he will make her as Partner in his Resort business. Thereafter, the defacto complainant demanded to repay the amount, in which he also issued two cheques to the tune of Rs.10 lakhs and Rs.20 lakhs, dated 16.04.2018 for security purpose. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner for his business purpose obtained loan to the tune of Rs.20 lakhs from the defacto complainant and he repaid the loan amount with interest through bank transaction. He also filed a



statement from the Axis Bank. But the defacto complainant claimed exorbitant interest in a threatening manner. Therefore, the petitioner lodged a complaint before the respondent on 19.06.2018 and the same was registered in Crime No.19 of 2018 as against the defacto complainant along with another for the offence punishable under Sections 294(b), 506(ii), 420, 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and the same is pending with the same respondent police. Hence, the present complaint is falsely foisted as against the petitioner.

4. Heard the learned counsel for the intervenor and the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/09/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THENI.



3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DT.,

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.16783

ORDER
IN
CRL OP(MD) No.14371 of 2018
Date :03/09/2018

TR/JC/SAR-2 (05/09/2018) 3P/6C