



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20399 of 2018

A.THJUDEEN @ TAJ

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
CRIME NO.1034/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.M.PRISCILLA JANCY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 342, 364-A, 392, 397 and 506(ii) of IPC., and Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.1034 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 05.11.2018, the defacto complainant was called by the accused to a particular place and thereafter, he was forcibly taken by the accused to 'Maatu Kottai' and removed his dresses and took photographs, and took Rs.1,68,000/- cash. Thereafter, by using his Bajaj Shopping Card, the accused purchased a Samsung LED TV, Samsung Washing Machine and a Mobile Phone, from James and Co, Shopping Mall. The accused also taken out the ATM Card of the defacto complainant and withdrawn a sum of Rs.18,000/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is arrayed as A3, is a practicing Advocate. A1 & A2 are in-laws of the petitioner. Petitioner's brother doing auto-financing business. The defacto complainant had received the loan on daily dues and he was not repaying regularly. The defacto complainant had made part of payment by using his Bajaj



Shopping Card, purchased a Samsung LED TV, Samsung Washing Machine and a Mobile Phone, from James and Co, Shopping Mall and handed over to the petitioner. But, suppressing all those things, a complaint had been lodged, as if the petitioner forcibly purchased those things forcibly from the defacto complainant.

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4. The learned Government Advocate (crl.side) would submit that on 05.11.2018, the defacto complainant was called by the first accused and to come a particular place. When the defacto complainant went to the place, he was forcibly taken by the accused to 'Maatu Kottai' and removed his dresses and took photographs, and took Rs.1,68,000/- cash. Thereafter, by using his Bajaj Shopping Card, the accused purchased a Samsung LED TV, Samsung Washing Machine and a Mobile Phone, from James and Co, Shopping Mall. The accused also taken out the ATM Card of the defacto complainant and withdrawn a sum of Rs.18,000/-. He would further submit that if the petitioner is granted the relief of anticipatory bail, it would only embolden the money lender to adopt all methods, for recovering the amount. Therefore, he strongly opposes to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner, who is an advocate, which is a noble profession, has to maintain the traditions and dignity of such noble profession instead he involved such a crime, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
07/12/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.20399 of 2018
Date :07/12/2018