



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17176 of 2017

V.K.S.VELAYUTHAM

... PETITIONER/ RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. NOT KNOWN/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SIVAPRAKASH, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

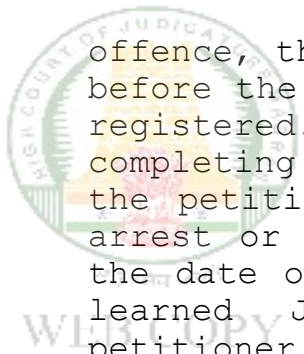
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 420 and 506(i) of IPC., and Sections 3 and 4 of Tamilnadu Charging of Exorbitant Interest Act in Crime No. Not Known of 2017, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.6,00,000/- from the petitioner and eventhough she returned the said amount, the petitioner demanded exorbitant interest from the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the said complaint, case has been registered for the above said offences.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.Considering the submission made on both side, it appears that the offence under Sections 294(b), 323, 420 and 506(i) of IPC., and Sections 3 and 4 of Tamilnadu Charging of Exorbitant Interest Act, has been registered against the petitioner. Going through the facts of the case, it is alleged that before the registration of this case, the petitioner and the defacto complainant are having loan transaction for which the petitioner lodged a private complaint under Section 138 of Negotiable Instruments Act, before the learned Fast Track Judge, Magisterial Level, Karaikudi, which was taken on file as C.C.No.149 of 2017. Only after taking cognizance of the said



offence, the present complaint was lodged by the defacto complainant before the respondent police and as a result of which this case was registered. So, custodial interrogation is not necessary for completing the investigation for this type of cases. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioner 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 petitioner shall report before the investigation officer, daily at 10.00 a.m. for a period of three weeks and thereafter as and when required;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-
02/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 3. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1CC TO M/S.M/S.S.SIVAPRAKASH, Advocate, SR NO.63

ORDER IN
CRL OP(MD) No.17176 of 2017
Date :02/01/2018