



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1076 of 2019

1 MR.P.KRISHNAN,
2 MRS.K.PETCHIAMMAL,

... PETITIONERS / 1st & 2nd ACCUSED

Vs

STATE:REPRESENTED BY
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.
(CRIME.NO.UNKNOWN/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.RAJESH SARAVANAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 420, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Cr.No.50 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners running a money lending business, in which the defacto complainant borrowed a sum of Rs.90,000/-. However, the petitioners received the said amount and demanded more amount with exorbitant interest from the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that already a civil suit is pending before the civil Court for recovering the money and accordingly, he filed an affidavit and the relevant paragraph as follows:

4.We submit that however, we do hereby give an undertaking as we will not give any hindrance or disturbance to the defacto complainant as our suit is pending before the learned Sub Court,



Tuticorin as O.S.No.259/2018. We shall seek our remedy only through competent court not otherwise.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that civil suit is pending.

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6.Considering the facts and circumstances of the case and considering the fact that the petitioners filed an undertaking affidavit as stated above, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners 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 Court No.III, Tuticorin, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-III,
TUTICORIN.

2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.

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

+1. CC to Mr.B.RAJESH SARAIVANAN Advocate SR.No.3372

PS/PN/SAR-1/26.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.1076 of 2019

Date :19/02/2019