



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.348 of 2019

1 T.SANKAR
2 C.SHANMUGAKANI

... PETITIONERS /ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.508/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.N.TAMILMANI, Advocate

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

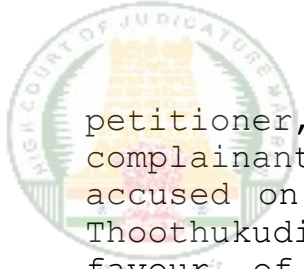
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act,2003, in Cr.No.508 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.5,00,000/- from the first accused on 30.12.2014. Subsequently A1 demanded 5% rate of interest for the debt amount and also demanded to handover the original sale deed stands in the name of the wife of the defacto complainant and the first accused demanded to execute a mortgage deed in favour of his brother-in-law namely Jeyapal and also demanded some cheques from the defacto complainant and A1 is working as Special Sub Inspector of Police, he is threatening the defacto complainant. Hence, the complainant.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offences as alleged. The first petitioner working as a Special Sub Inspector of Police having good service record. The second petitioner is the wife of the first



petitioner, who is also working as a Government Servant. The defacto complainant had borrowed a sum of Rs.6,00,000/- from the second accused on 04.11.2015 on demand, he issued a cheque of IDBI Bank, Thoothukudi bearing No.210476, dated 14.09.2016 for Rs.6,00,000/- in favour of the second accused. When the cheque present for collection and the same was returned on 15.09.2016 with an endorsement "Funds insufficient". Subsequently legal notice was sent on 27.09.2016 even after the receipt of said notice, the defacto complainant neither pay the cheque amount nor sent any reply. Hence, a case was filed under Section 138 of N.I. Act before the learned Judicial Magistrate, (FTC), Thoothukudi in C.C.No.304 of 2016, which is pending and hence, the petitioners falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit on 02.04.2017 the first petitioner was suspended from service, passed by the Superintendent of Police, Thoothukudi District and thereafter, on 28.12.2017 the suspension order has been revoked.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.3, Thoothukudi, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation.

[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]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/01/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.3, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.N.TAMILMANI Advocate SR.No.1442

ORDER
IN
CRL OP(MD) No.348 of 2019
Date :25/01/2019

MS/PN/SAR-2/06.02.2019/3P.6C