



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4875 of 2019

1.MAHENDRAN

2 BALASUBRAMANIAN

3 KANNAN

4 JOHN XAVIER

... PETITIONERS / ACCUSED NOS.1,2 & 5,6

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

NACHIYARPURAM POLICE STATION,

SIVAGANGAI DISTRICT.

(CRIME NO. 38/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.KARUNA 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), 448, 506(ii) of IPC and Section 4 of TNPHW Act and Section 4 of Tamil Nadu Prevention of Exorbitant Interest Act , in Cr.No.38 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant husband borrowed a sum of Rs.5,00,000/- from the first petitioner , 5,00,000/-from the second petitioner,1,00,000/-from the third petitioner and 50,000/- from the fourth petitioner for developing his jewellery shop Thereafter he failed to return the total amount, further the petitioners demanded more money for exorbitant interest the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners demanded admitted money. However the defacto complainant induced his wife to give a false complaint against the petitioners, inorder to cheat the petitioners..



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the defacto complainant has paid the admitted amount, however the petitioners demanded more money with exorbitant interest.

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5. Considering the facts and circumstances and considering the fact that the defacto complainant borrowed money from the petitioner for developing his jewellery shop, this Court is inclined to grant anticipatory bail to the petitioners. 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, Thirupathur, Sivagangai District, 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/-
01/04/2019

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT,

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

+1. CC to MR.V.KARUNA Advocate SR.No.5925

ORDER
IN
CRL OP(MD) No.4875 of 2019
Date :01/04/2019

AAV
AE/MMS/SAR-III/03.04.2019/3P/6C