



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7667 of 2019

V.S.Kannan

... Petitioner/Accused
Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Theni Police Station,
Theni District

(*)Crime No.417 of 2019

... Respondent/Complainant

(*)Amended as per the order of Hon'ble
Court made in Crl. MP(MD).No.5354 of 2019 in
CRL OP(MD).No.7667 of 2019 vide order dated
18.06.2019 by PRMJ.

For Petitioner : M/s.V.Vishnu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

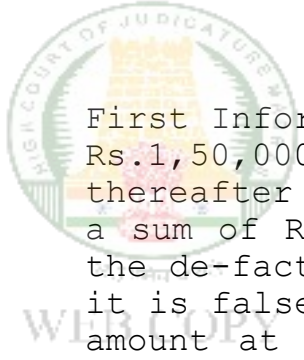
For Anticipatory bail in Cr.No.417 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offence punishable under Section 4 of
Tamil Nadu Prohibition of Charging Exorbitant Interest Act and
Sections 294(b) and 506(i) of IPC, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
<https://hcservices.ecourts.gov.in/hcservices/>
submitted that the petitioner is innocent and he has been falsely
implicated in the above case. He further submitted that as per the



First Information Report, the de-facto complainant borrowed a sum of Rs.1,50,000/- from the petitioner in the month of June 2015 and thereafter every month he has paid Rs.4500/- and totally he has paid a sum of Rs.2,15,000/-. He further submitted that it is true that the de-facto complainant has borrowed money from the petitioner, but it is false to say that the de-facto complainant has repaid the said amount at the rate of Rs.4500/- per month from the month of June 2015 and totally so far he has paid Rs.2,15,000/-.He further submitted that the petitioner has not demanded or received any exorbitant interest and when the petitioner demanded to repay the debt, the de-facto complainant gave a false complaint and hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that the de-facto complainant borrowed a sum of Rs.1,50,000/- in the month of June 2015 and subsequently he has repaid the said amount at the rate of Rs.4,500/- per month and totally he has paid a sum of Rs.2,15,000/- and thereafter, the petitioner has refused to return the documents and further, he is demanding exorbitant interest and hence he strongly opposed this petition.

5.Even though the de-facto complainant has stated in his complaint that he has repaid the loan at the rate of Rs.4,500/- per month from the month of June 2015 and totally he has paid a sum of Rs.2,15,000/-, in support of the said claim, he has not produced any document before the respondent police.

6.Taking into consideration of the aforesaid facts and also the fact that the de-facto complainant has not produced any document in support of his claim, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Theni and the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)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]If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/06/2019

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

TO

- 1.The Judicial Magistrate, Theni.
- 2.Do-Through The Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Theni Police Station, Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.VISHNU, Advocate (SR-10247[I] dated 21/06/2019)

ORDER
IN
CRL OP(MD) No.7667 of 2019
Date : 21/06/2019

SJI
TK/JC/SAR.3/28.06.2019/3P/6C