

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8186 of 2019

Shanthi,, ... Petitioner/Accused No.2

Vs

State represented by
The Sub Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Madurai
(Cr.No.472/2019).

... Respondent/Complainant

For Petitioner : M/s.Pala.Ramasamy

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.472/2019 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 offences punishable under Sections 447, 294(b), 506(i) of I.P.C and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.472 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that due to money dispute, the defacto complainant has lodged a false complaint against the petitioner herein and one more accused stating that the accused persons are demanding exorbitant interest. Therefore, he prayed for grant of anticipatory bail to the

petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant borrowed a sum of Rs.1,00,000/- from accused No.1 and subsequently, he repaid the said amount with interest and that totally, he has paid a sum of Rs.1,50,000/-. But the accused No.1 claimed further interest. He further submitted that subsequently, the defacto complainant borrowed a sum of Rs.1,50,000/- from the petitioner and joined Rs.5 lakhs chit scheme. But the petitioner herein and A-1 were demanding 5% interest per month. He further submitted that investigation is still pending and hence, he opposed this petition.

4.The defacto complainant has not produced any proof to show that she has repaid a sum of Rs.1,50,000/- for the amount of Rs.1,00,000/- which she has received. Further, it appears, the defacto complainant has not filed any petition under Section 5 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act.

5.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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, No.V, Madurai on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)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.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v)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].

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

sd/-
14/06/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
- 2 DO THOR'THE CHIEF JUDICAIL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.PALA.RAMASAMY, Advocate (SR-9755[I] dated 14/06/2019)
+1 CC to MR.PALA.RAMASAMY, Advocate (SR-9815[I] dated 17/06/2019)

ORDER
IN

CRL OP(MD) No.8186 of 2019
Date :14/06/2019

vs

TK/JC/SAR-III (24.06.2019) 3P 7C