

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10776 of 2020

Rajamani @ Rajamanickam

... Petitioner

Vs.

State Rep., by Inspector of Police,
Thriupathur Town Police Station,
Vellore District.
Cr. No.1360 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.1360 of 2020 pending investigation on the file of the
respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under sections
386 IPC r/w. Sections 3 & 4 of Tamil Nadu Prohibition of Charging
Exorbitant Interest Act 2003 r/w. Section 294(b), 506(ii) IPC, in
Crime No. 1360 of 2020 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
that her husband had borrowed money a sum of Rs.30,000/- and
Rs.50,000/- from the petitioner and others persons and he was
regularly paying the interest to the petitioner. Thereafter, due to
Corona pandemic situation, he was unable to repay the amount and
one Vasanthi/A1, had came to her house and insisted her husband to
pay the principal as well as interest and abused in filthy language
and also threatened him in the presence of others. Due to this
harassment, the defacto complainant's husband consumed acid and was
admitted in the hospital. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner is arrayed as A6. Except the defacto complainant's
allegation that her husband had borrowed money from him, there is no
specific averment that the petitioner had abused or harassed the
defacto complainant's husband for return of money. He would further

submit that even as per the averments in the FIR, A4 is stated to have given a loan amount of Rs.30,000/- and A5 is stated to have given a loan amount of Rs.50,000/-. Without prejudice to his defence, he admitted that the petitioner will not make any claim with reference to the amount stated to have been given to the defacto complainant's husband. He would further submit that the co-accused has been granted anticipatory bail by this Court in CrI.O.P.No.10843 of 2020 dated 22.07.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the victim had borrowed money from several persons. On 28.06.2020, the persons who had given money to the defacto complainant's husband, abused and threatened him through mobile phone. Unable to bear the same, the defacto complainant's husband consumed acid and was admitted in hospital. He would further submit that the victim has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital and the co-accused has been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Thirupathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

7.With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY
CRL OP.10776/2020
Date :23/07/2020

RVR 16/09/2020