

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.10843 of 2020

1. Rajini @ Dhandapani
2. Ramani

... Petitioners

Vs.

State rep by
The Inspector of Police,
Thirupathur Town Police station,
Vellore District.

... Respondent

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

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable 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) of IPC, in Crime No.1360 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant, her husband had borrowed money for a sum of Rs.30,000/- and Rs.50,000/- from the petitioners respectively and he was regularly paying interest to the petitioners and due to Corona problem, he was unable to repay the amount and so one Vasanthi/A1 came to their house and approached him to pay the principal and interest and abused him with filthy language and 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 petitioners submitted that the petitioners are arrayed as A4 and A5 and except the defacto complainant's allegation that the husband of the defacto complainant had borrowed money from them and there is no specific averment that the petitioners had abused or harrassed the defacto complainant's husband for return of money. He would further submit that even as per the averments in the FIR, the first petitioner is stated to have given the loan amount of Rs.30,000/- and the second petitioner is stated to have given the loan amount of Rs.50,000/-. Without prejudice to his defence, he admitted that the petitioners will not make any claim with reference to the amount stated to have given to the defacto complainant's husband. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the victim has borrowed money from several persons. On 28.06.2020, persons who have given the money to the defacto complainant's husband, threatened him through mobile phone and 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 petitioners.

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

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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 petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 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 first petitioner shall report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required. The second petitioner shall report before the respondent daily at 10.30 a.m. for a period of one week and thereafter as and when required.

[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 229A IPC.

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

-sd/-
22/07/2020

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

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

CRL OP.10843/2020

Date :22/07/2020

cs 18/08/2020