

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.11936 of 2020

A.Sridhar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Tirupattur Town Police station,
Tirupattur District.
Crime 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 arrest in Crime No.1360 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Jagadeesan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 386, 294(b) and 506(ii) IPC r/w Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003, in Crime No.1360 of 2020, on the file of the respondent police, seeks 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.1,50,000/- from the petitioner and he was regularly paying interest to the petitioner and due to Corona problem, he was unable to repay the amount and so one Vasanthi/Al 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 petitioner submitted that the petitioner is arrayed as A3 and except the defacto complainant's allegation that the husband of the defacto complainant had borrowed money from him and there is no specific averment that the petitioner 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, A4 is stated to have given the loan amount of Rs.30,000/- and A5 is stated to have given the 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 given by him to the defacto complainant's husband. Hence, he prays for grant of anticipatory bail to the petitioner.

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 and there is no previous case against the petitioner. 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 there is no previous case against the petitioner, 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, Tirupattur, on condition that the petitioner 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 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/-

12/08/2020

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.1,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPATTUR TOWN POLICE STATION

CC to D.JAGADEESAN Advocate on payment of necessary charges

CRL OP.11936/2020

Date :12/08/2020