



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4353 of 2020

PARAMASIVAM

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
CRIME NO.243 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Murugesan, Advocate
for Mr.N.Ranjith, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.243 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 506(i) of IPC and Section 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 seeks anticipatory bail.

2. The mortgage loan of Rs.50,000/- has been given by the petitioner herein to Alagarsamy who is deceased father. The transaction took place in the year 2002. Subsequently, it appears that for non payment of mortgage loan, the petitioner herein filed a suit and obtained decree in his favour. However, there is some record to show that in the year 2019, during the month of July, the respondent herein agreed to return the property in favour of the



defacto complainant, if the defacto complainant pays Rs.1,50,000/- and the petitioner has received Rs.1,10,000/-. When the defacto complainant asked for return of property, the petitioner demanded extra sum of Rs.50,000/-. Hence the complaint.

3. On the perusal of the FIR, *prima facie* this Court finds that it is a civil dispute and no criminality has been made out at any point of time and no judicial custody or custodial interrogation is required in this case. Hence this Court is inclined to grant anticipatory bail to the petitioner.

4. 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.VI, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 said Magistrate, 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 police as and when required 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.RANJITH, Advocate (SR-5143[I] dated 11/03/2020)

ORDER

IN

CRL OP(MD) No.4353 of 2020

Date :10/03/2020

AAV

JM/VR/SAR 3/16.03.2020/3P/6C