



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9497 of 2020

1.JEROLD MILTON @ JEROLD

2.VISVANATHAN @ VISU

... PETITIONERS/ACCUSED NO.1 & 3

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
GOLDEN ROCK POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
CRIME NO.536/2020.

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.R.J.Karthick,
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.536 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 363, 352 and 506(i) of IPC, in Crime No.536 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the owner of the Finance Company and A2 is the employee of the Finance Company. The allegation is that the defacto complainant borrowed a sum of Rs.35,000/-, for monthly interest from the first petitioner and the first petitioner used to collect the interest of Rs.3,500/- from the defacto complainant every month. The defacto complainant also paid interest monthly thereafter, due to family situation, the defacto



complainant could not pay the interest amount. In the above circumstances, the petitioners said to have attacked the defacto complainant and also threatened him and demanded Rs.1,02,000/-. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the defacto complainant had borrowed a sum of Rs.1,00,000/- from the first petitioner and could not repay the amount. Hence, the petitioners demanded the money and a false complaint has been given. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seek anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the defacto complainant borrowed a sum of Rs.35,000/- from the first petitioner and he could not able to pay the interest, the petitioners have threatened the defacto complainant and demanded Rs.1,00,000/-. Hence, he objected to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the fact that due to money dispute between the parties, the occurrence has taken place and no serious allegation has been made against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.V, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

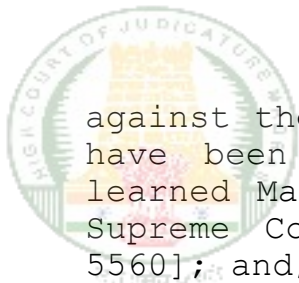
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(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



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]; and;

(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-6446[I] dated 16/09/2020)

ORDER
IN
CRL OP(MD) No.9497 of 2020
Date :14/09/2020

vsd
JM/AKM/SAR II/18.09.2020/3P/6C