



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9540 of 2020

P.Raja @ Rajaraman

... Petitioner

Vs

State Rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

... Respondent

For Petitioner : Mr.M.Ramamoorthi,
Advocate.

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

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

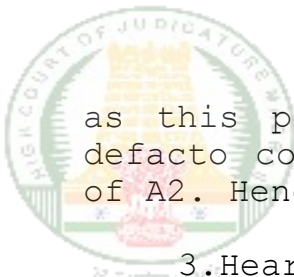
PRAYER :-

For an Antcipatory Bail in Crime No.33 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 506(ii) and 109 of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.33 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband has borrowed a sum of Rs.1,00,000/- for interest at the rate of 2% from one Ilangovan, who is arrayed as A2 in this case. Even though the defacto complainant's husband has paid the said amount with full interest, A2 said to have demanded more interest. Thereafter, A2 said to have approached this petitioner for the purpose of collecting money from the defacto complainant's husband and this petitioner called over phone and asked the defacto complainant's husband to give house property in favour of A2. That apart A2 and other accused said to have attacked the defacto complainant's husband and also criminally intimidated them. Insofar



as this petitioner is concerned, he said to have threatened the defacto complainant's husband to transfer the property in the name of A2. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner gives an undertaking before this Court that he will not indulge in these kinds of activities in future. He further submitted that the other accused have already been arrested and released on bail by the lower Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the petitioner submitted that the petitioner is having 11 previous case and he has also involved in this crime and threatened the defacto complainant's husband to transfer the property in the name of A2.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the only allegation against the petitioner is that the petitioner threatened the defacto complainant's husband over phone. Considering the above circumstances and the fact the the other accused have already been arrested and released on bail and this petitioner gives an undertaking before this Court that he will not indulge in these kinds of activities in future, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 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
<https://hccourtscorpus.in/hccservices> 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]; and;

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

sd/-
10/09/2020

/ TRUE COPY /

/ /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.II, THANJAVUR,
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.VISHNUVARTHANAN, Advocate (SR-6355[I] dated 10/09/2020)

ORDER
IN
CRL OP(MD) No.9540 of 2020
Date :10/09/2020

MS/JC/SAR-4/16.09.2020/3P.6C

<https://hcservices.ecourts.gov.in/hcservices/>