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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10025 of 2020

JUSTIN JEBARATHINAM

... PETITIONER/ACCUSED NO.2

VS

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.R.J.Karthick,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

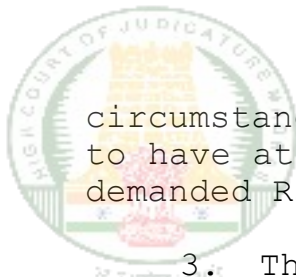
PRAYER :-

For Bail in Cr.No.536 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 02.09.2020 for the alleged offences under Sections 341, 363, 352 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

2. The case of the prosecution is that A1 is the owner of the Finance Company and the petitioner herein 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 A1 and the A1 used to collect the interest of Rs.3,500/- from the defacto complainant every month. The defacto complainant also paid interest regularly thereafter, due to family situation, the defacto complainant could not pay the interest amount. In the above



circumstances, the petitioner herein along with other accused said to have attacked the defacto complainant and also threatened him and demanded Rs.1,02,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant had borrowed a sum of Rs.1,00,000/- from the first accused and could not repay the amount. Hence, the petitioner along with other accused demanded the money and a false complaint has been given. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that A1 and A3 in this case was granted anticipatory bail by this court.

4. The learned Additional Public Prosecutor would submit that defacto complainant borrowed a sum of Rs.35,000/- from the first accused and he could not able to pay the interest, for which the all the accused persons said to have threatened the defacto complainant and demanded Rs.1,00,000/-. He would also submit that A1 and A3 in this case was granted anticipatory bail by this court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that co- accused in this case were granted anticipatory bail by this Court and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tiruchirapalli

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/09/2020

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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,
TIRUCHIRAPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
- 3 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, MANAPPARAI,
TIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10025 of 2020
Date :21/09/2020

AAV
JM/JC/SAR III/21.09.2020/3P/6C