



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

Date : 25/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.10332 of 2020

C.Mohan

.. Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police, (L & O),
Anna Nagar Police Station,
Madurai District.
Crime No.1682 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Senthil Kumar,
Advocate.

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

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

PRAYER :-

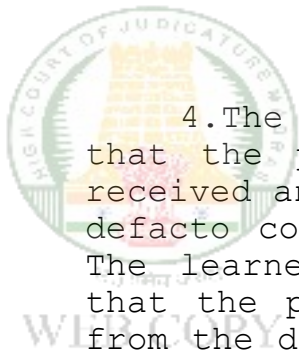
For Anticipatory Bail in Crime No.1682 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 506(i) IPC r/w Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.1682 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that earlier the defacto complainant received a loan from the petitioner for a sum of Rs.35,000/- and the defacto complainant has paid interest for a sum of Rs.48,000/- and also given two cheques for a sum of Rs.15,000/- and Rs.25,000/- and settled the amount. But the petitioner demanded more interest from the defacto complainant and threatened him with dire consequences. Hence, the case has been registered.

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



4.The learned counsel appearing for the petitioner would submit that the petitioner has not demanded any amount and he has not received any cheque from the defacto complainant. Due to enmity, the defacto complainant gave a false complaint against the petitioner. The learned counsel for the petitioner on instructions submitted that the petitioner undertakes that he will not demand any amount from the defacto complainant in future and also undertakes that he will not initiate any proceedings against the defacto complainant, based on the alleged cheques said to have been received from the defacto complainant.

5.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the petitioner demanded money from the defacto complainant and threatened the defacto complainant with dire consequence.

6. Considering the facts of the case and also considering the above undertaking of the petitioner that the petitioner will not demand any amount from the defacto complainant in future, this Court is inclined to grant anticipatory bail to the petitioner with 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.VI, Madurai, 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 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

<https://hccourts.courts.gov.in/Kcse/Caseji> 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/-
25/09/2020

WEB COPY

/ 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.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, (L & O),
ANNA NAGAR POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10332 of 2020
Date :25/09/2020

MS/VR/SAR-4/30.09.2020/3P.5C