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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15194 of 2021

1.Viswapriya
2.Krishnasai

... Petitioners

Vs.

State rep. by
The Inspector of Police,
C-1, Ammapet Police Station,
Ammapet, Salem City,
Salem District.
(Crime No.316 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in Crime No.316 of 2021 on the file of the Inspector of Police, C-1, Ammapet Police Station, Salem City, Salem District.

For Petitioners : Mr.RM.Venkatesh

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

The petitioners who were arrested and remanded to judicial custody on 18.07.2021 for the offence under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 420, 468 and 471 of I.P.C. in Crime No.316 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the defacto complainant obtained loan from A1 by pledging a document and executed promissory note. Thereafter, the defacto complainant paid the entire amount, however, the accused did not return the document.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel would further submit that the defacto complainant did not repay the loan amount and further submitted that a suit in O.S.No.51 of 2021 has been filed before the learned ADJ No.I, Salem for recovery of Rs.25 Lakhs and the same is pending and in order to defeat the same, the defacto complainant has lodged the present complaint.

4.The learned Government Advocate (Criminal Side) submitted that the suit has been filed prior to the complaint and investigation is pending.

5.Considering the fact that this is a civil dispute and suit for recovery has been filed prior to the complaint and the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Salem and on further condition that:

(a)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, daily at 10.30 a.m. for a period of two weeks and thereafter 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 Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
25/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.5, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE ADDITIONAL DISTRICT JUDGE
NO.1, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
C-1,AMMAPET POLICE STATION,
AMMAPET, SALEM CITY, SALEM DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON(LADY CELL) SALEM

7 THE OFFICER INCHARGE,
SUB JAIL,OMALUR, SALEM

CC to M/S. RM. VENKATESH Advocate on payment of necessary charges

CRL OP.15194/2021

Date :25/08/2021

RVR 26/08/2021