



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20402 of 2021

1 SELVARASU [PETITIONERS / ACCUSED]
2 PADMAVATHI @ PATHMA

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.660 OF 2021.

For Petitioner : M/S.P.PARTHIKANNAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 and Sections 294(b), 506(i) IPC, in Cr.No.660 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 24.10.2021, the defacto complainant one Elavarasi lodged a complaint on 31.08.2021 against the petitioners by alleging that the defacto complainant had borrowed a sum of Rs.2,00,000/- from the petitioner in the year 2013 and the petitioners were continuously threatening the defacto complainant to pay the exorbitant interest and got a Sale Deed for Rs.4 lakhs, from the son of the defacto complainant, in respect of the family property. The petitioner had promised the defacto complainant to reconvey the Sale Deed, when the amount is fully settled. Due to financial crisis, the defacto complainant had defaulted to repay the dues and thereby the petitioners harassed and threatened the defacto complainant with dire consequences and also claiming exorbitant interest. The petitioners had executed a Sale Deed dated 26.04.2018 in respect of her property in favour of one Ramasamy. Hence this



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Further the said Ramasamy had filed a Suit in O.S.No.146 of 22021 before the District Munsif Court, Jayankondam, for permanent injunction against the defacto complainant and further, the learned counsel prays to grant anticipatory bail to the petitioners, since, the dispute is civil in nature.

4.The learned Government Advocate (Crl.Side) submits that the issue involves in the present case is a civil dispute and the investigation is also pending in this case.

5. It appears that initially the Sale Deed was executed in the year 2014 by the defacto complainant and later, the petitioner executed the Sale Deed only in the year 2018 in favour of other person, however, the complaint against the Sale Deed which was executed during the year 2014, is made belatedly after a period of three years and further the Civil Suits against the property in question was pending before the competent Court and therefore, the dispute between the parties appears to be civil in nature. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate No.II, Jayankondam, Ariyalur District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, with two sureties each for a like sum to the satisfaction of the respondent police or 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 Court concerned 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. until further orders;

(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 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 thereafter absconds, a fresh FIR can be
registered under Section 229-A IPC.

-sd/-
29/10/2021

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.II, JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ARIYALUR DISTRICT.

5 THE DISTRICT MUNSIF COURT
JAYANKONDAM.

+1 CC to M/S. P.PARTHIKANNAN Advocate on payment of necessary
charges SR.NO.12281

CRL OP.20402/2021

Date :29/10/2021

TA-15/11/2021