



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10936 of 2021

A.Amutha ... Petitioner/Accused Rank Not known

Vs

State Rep by
The Inspector of Police,
T. Vadipatti Police Station,
Madurai District.
Crime No. 312 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.K.Kannan, Advocate for
Mr.Deepak M, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

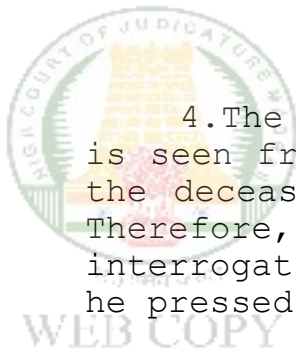
For Anticipatory Bail in Crime No. 312 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 174 CrPC altered to Section 306 I.P.C in Crime No.312 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that though the defacto complainant's husband repaid the principal amount, the petitioner insisted him to repay the same with exorbitant interest. Due to the stress, he committed suicide. Hence, the present complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) submitted that it is seen from the suicide note of the deceased, the petitioner asked the deceased to pay the principal amount with exorbitant interest. Therefore, the deceased committed suicide. The custodial interrogation of the petitioner is warranted in this case. Hence, he pressed for dismissal of this petition.

5.The allegation levelled against the petitioner is that the petitioner collected exorbitant interest from the deceased and harassed him. On account of that he committed suicide. The respondent police had collected a suicide note during the investigation from the place of occurrence. There is a specific allegation against the petitioner in the suicide note. Though there is specific provision for collecting exorbitant interest in Tamilnadu Prohibition of Charging Exorbitant Interest Act, the respondent police has not altered the First Information Report.

6.Considering the specific averment mentioned in the suicide note, this Court dismissed the anticipatory bail petition filed by the co-accused in Crl.O.P.(MD)No.10169 of 2021. This petitioner is also standing on the same footing. Hence, this Court is not inclined to grant anticipatory bail to the petitioner and the Criminal Original Petition stands dismissed.

sd/-
12/08/2020

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS

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 INSPECTOR OF POLICE
T. VADIPATTI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10936 of 2021
Date :12/08/2020