



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

Date : 23/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12583 of 2021

1. Christopher Meyyappan @ Meyyappan Christopher,
2. Prema ... Petitioners/Accused No.1 and 2

Vs

The State Rep.by
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.353 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Haron Rasheed,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory bail in Crime No. 353 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.353 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother borrowed a sum of Rs.4,00,000/- from the accused persons in the year 2016 and as a security, she executed a sale agreement of her house property and she died in the month of May 4, 2016. Therefore, the defacto complainant settled the amount borrowed by her mother to the petitioners. Again, in the month of March, 2018, the defacto complainant borrowed a sum of Rs.3,00,000/- from the petitioners. The petitioners insisted her to execute a sale deed in favour of them as a security and accordingly, she executed a sale deed in favour of the petitioners. She also paid a sum of Rs.15,000/- in the account of A2 as interest. Due to pandemic situation, she could not pay the interest for the past five months.



Therefore, the petitioners went to the defacto complainant's house on 07.03.2021 at about 11.30 p.m. and abused her and her family members.

3. The learned counsel for the petitioners submitted that the defacto complainant and her family members have executed a sale deed in favour of the petitioners and she paid a sum of Rs.15,000/- in the account of A2 for LIC. The petitioners are innocents and they are having valid records for that. He further submits that the petitioners are also prepared to co-operate for enquiry and to produce all the materials before the respondent Police.

4. In view of the submission made by the learned counsel for the petitioners, this Court granted interim anticipatory bail to the petitioners for a period of two weeks and directed the respondent Police to file a report on 23.09.2021.

5. Today, when the matter is taken up for hearing, the respondent Police has also filed a report stating that the petitioners have lended money to the defacto complainant and created some documents. Apart from that, these petitioners are not in the habit of lending money to some other persons.

6.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

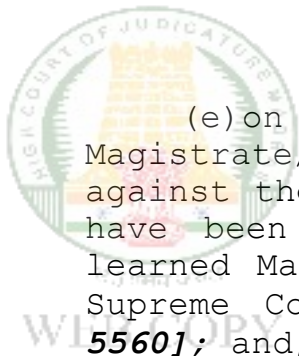
7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2021

/ TRUE COPY /

/ /2021
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, RATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12583 of 2021
Date :23/09/2021

SSB
MS/PN/SAR-3/28.09.2021/3P.5C