



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13836 of 2021

and

CrI.M.P(MD) .No.7633 of 2021

1. Velmurugan
2. Jegajothi

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.594/2021)

... Respondent/Complainant

For Petitioners : M/s.M.Mohanasundaram, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (CrI.Side)

For Intervenor : M/s.N.Marimuthu, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.594 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 offence punishable under Sections 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 r/w. Sec. 506 (ii) of IPC, in Crime No.594 of 2021, seeks anticipatory bail.



2.The case of the prosecution is that the defacto complainant and his Sister-in-law obtained a sum of Rs.50,000/- and Rs.3,50,000/- at 2% interest as loan from the petitioners by executing registered Mortgage Deed in favour of the petitioners. When the defacto complainant and his Sister-in-law approached the petitioners for re-paying the Principal loan amount and to redeem their property, the petitioners demanded 10% interest, if not, the defacto complainant has to sell their properties to them and threatened them with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready to cancel the registered Mortgage Deed of the defacto complainant on payment of the Principal amount with 1% interest from April 2013. Since they are evading from paying the interest, the defacto complainant has filed a false case against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the as per the direction of this Court, the respondent police filed a detailed report, wherein it is stated that the petitioners have collected exorbitant interest from the general public.

5.Considering the facts and circumstances of the case and also the report filed by the respondent police, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
27/09/2021

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

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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,
Andipatti Police Station,
Theni District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1. CC to M/S.MOHANASUNDARAM.M, Advocate SR.No.6652

+ 1 CC to M/S.N.MARIMUTHU, Advocate SR.No.6635

ORDER

IN

CRL OP (MD) . No.13836 of 2021

and

Cr1.M.P (MD) .No.7633 of 2021

Date :27/09/2021

SP/SKN/SAR I/22/10/2021/3P/5C