



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13972 of 2021

K.Krishnasamy

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
In Crime No.513 of 2021.

... Respondent/Complainant

For Petitioner : MR.KA.RAMAKRISHNAN, Advocate.
For Respondent : MR.T.SENTHILKUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.513 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 02.09.2021 for the offence under Sections 506(ii) I.P.C, Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act @ Section 506(ii) and 306 I.P.C r/w 511, 406 and 420 I.P.C and Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime.No.513 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.6,00,000/- from the petitioner as loan. Thereafter, he paid only a sum of Rs.4,50,000/- and failed to repay the remaining amount. On 02.09.2021, the petitioner along with others went to the defacto complainant's house and threatened him to repay the loan. Infuriated over the same, the defacto complainant has consumed pesticide. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is inside the prison from 02.09.2021 and hence, he prays for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is not having any bad antecedent and the investigation in this case is yet to be completed.

5.Considering the facts and the circumstances of the case, the nature of allegation levelled against the petitioner, his antecedent and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti, Tuticorin District and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2021

/ 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 NO.II,
KOVILPATTI, TUTICORIN DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION, TUTICORIN DISTRICT.

4 THE OFFICER INCHARGE,
PERURANI JAIL, KOVILPATTI, TUTICORIN DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13972 of 2021
Date :22/09/2021

MSA
MK/VR/SAR.IV/22.09.2021/3P/6C