



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

Date : 07/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14301 of 2021

1. Mohana Latha
2. B.Chandran

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
(*) District Crime Branch,
Kanyakumari District.
(Crime No.24 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Ka.Raamakrishnan,
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.24 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 offence punishable under Sections 420, 506(i) IPC and Section 4 and 9 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.24 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband, on various dates, from 2008 to 2016, borrowed a sum of Rs.3,50,000/- from the petitioners and repaid a sum of Rs.8.50,000/-. After that, the defacto complainant's son borrowed a sum of Rs.2,00,000/- from the petitioners in the year 2016 and paid the interest of Rs.10,000/- through bank transaction and also repaid the remaining amount on 27.04.2019. On 22.09.2021, the accused persons along with five other persons came to the defacto complainant's house and compelled them to sign in a bond for Rs.40 lakhs and also compelled to pay a sum of Rs.5,00,000/-. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners lent money only for the purpose of helping the defacto complainant's family and not as a loan. The defacto complainant, her husband and her son have not repaid the amount borrowed by them. Therefore, the second petitioner lodged a complaint with the Superintendent of Police, Kanyakumari District on 24.12.2020, for which, an enquiry was conducted. During the enquiry, the defacto complainant has accepted the loan borrowed by them and agreed to repay. But, the defacto complainant has not repaid the amount. Hence, the second petitioner again lodged another complaint with the Superintendent of police, which was forwarded to the respondent Police and the same is still pending. He further submits that the first petitioner is the Headmaster in a School and the second petitioner is an Engineer in Indian Space Research Organisation (ISRO). The petitioners hail from respectable family and they have nothing to do with the alleged offence. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the parties and also the fact that first petitioner is the Headmaster in a School and the second petitioner is an Engineer in ISRO, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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 No.I, Kanyakumari, 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 twice, i.e., morning at 10.30 a.m. and evening at 5.30 p.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 are 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2021

(*) Amended as per order of this Court dated 09/02/2022 in CRL MP (MD) No.602 & 605 of 2022 in CRL OP(MD) No.14301/2021.

Time is extended by Two Weeks from the date of receipt of copy of this order.

/ 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

TO BE SUBSTITUTED WITH THE ORDER DATED 07/10/2021 ALREADY DESPATCHED.

1. THE JUDICIAL MAGISTRATE NO.I,
KANYAKUMARI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE INSPECTOR OF POLICE,
(*) **DISTRICT CRIME BRANCH,**
KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.14301 of 2021
Date :07/10/2021

OGY
MS/PN/SAR-2/20.10.2021/3P.5C
USK/VR/SAR-III/18.02.2022/3P/5C