



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14366 of 2021

Seenipandian,

... Petitioner/Accused No.1

Vs

State Rep. By
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.533/2021)

... Respondent/Complainant

For Petitioner : M/s.N.Mohideen Basha
Advocate.

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

For Intervenor : Mr.Ramsundar Vijayaraj

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

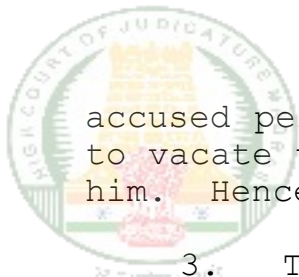
PRAYER :-

For Anticipatory Bail in Crime No.533 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.533 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.65,00,000/- from the first accused before 1 ½ years and executed a mortgage deed with regard to his complex in favour of the first accused. The defacto complainant has to pay Rs.2,00,000/- monthly interest to the first accused. He paid monthly interest for some time and due to pandemic situation, he could not pay the interest to the first accused. Therefore, the



accused persons abused the defacto complainant and asked him either to vacate the shop or to pay Rs.1.5 crore and criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the defacto complainant sold his complex to the petitioner by way of a registered sale deed as early as on 24.10.2019 for a sale consideration of Rs.9,50,000/- and all the documents have been mutated in the name of the petitioner and the petitioner is regularly paying property tax and EB etc., and also collecting rent from two tenants. Since the market value of the said property had increased, the defacto complainant in order to extort money had foisted this false case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant submits that the defacto complainant is a realtor and also owns a shopping complex in Kayathar Keela Bazaar. The defacto complainant borrowed Rs.65,00,000/- as loan from the petitioner. At that time of lending money, the petitioner insisted him to execute a sale deed in respect of shopping complex having an extent of 5 cents. After executing the sale deed, the defacto complainant has paid interest of Rs.35,00,000/-. Even after that, the petitioner pressurized the defacto complainant either to pay Rs.1.5 Crore towards principal amount and interest or to vacate the shopping complex.

5. Considering the rival submissions made, this Court, vide order dated 28.09.2021, directed the Investigating Officer to conduct an enquiry and file a report.

6. The Investigating Officer, after conducting an enquiry, filed a report before this Court that the petitioner is in the habit of collecting exorbitant interest. The shopping complex, which is mortgaged in favour of the petitioner at the time of lending money, is still in the custody of the defacto complainant. In the said complex, apart from the defacto complainant, some other tenants are also residing in the complex and rents are still collected by the defacto complainant. However, at the time of lending money, the petitioner has insisted the defacto complainant to execute the sale deed in respect of the said complex. Accordingly, the defacto complainant executed the sale deed in favour of the petitioner. Even in the sale deed, it has been mentioned that after settling the amount, the shopping complex would be handed over to the defacto complainant. Due to the pandemic situation, the defacto complainant was suffering with loss in his business and he could not pay the interest. Therefore, the accused persons abused the defacto complainant and asked him either to vacate the shop or to pay Rs.1.5 crore and criminally intimidated him.

<https://hcservices.ecourts.gov.in/hcservices> 7. Considering the fact that the petitioner is in the habit of collecting exorbitant interest and also considering the report of the Investigating Officer, this Court is not inclined to grant



anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

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

OGY

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,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. RAMSUNDARVIJAYARAJ Advocate SR.No.7579
DATED 28/10/2021

ORDER
IN
CRL OP(MD) No.14366 of 2021
Date :27/10/2021

SB/JM/SAR-I/22.11.2021/3P/4C