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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14440 of 2021

1.Alagammal
2.Petchiammal
3.Muthu @ Muthulakshmi

... Petitioners/Accused
Nos.2 to 4

Vs

State rep.by
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(Crime No.193/2021)

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.193 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Section 294(b) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.193 of 2021, seek anticipatory bail.

2. The prosecution case is that the defacto complainant has borrowed some amount from the petitioners and has also repaid the same with interest. But the petitioners are demanding exorbitant



interest and since the defacto complainant failed to meet their demands, they harassed her and also threatened her. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. Therefore, he prayed for grant of anticipatory bail.

4. Considering the nature of allegation levelled against the petitioners, this Court has directed the respondent police to conduct an enquiry and file a report.

5. Accordingly, the respondent police has filed a report that it is a normal money transaction and that the petitioners have not collected any exorbitant interest.

6. Considering the nature of allegation and the report of the respondent police, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this 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 No.II, Sattur, 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 am;

[c] the petitioners shall not tamper with the evidence or witness either during the investigation or trial;

[d] the petitioners shall not abscond either during the 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 have been 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.

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Sd/-
06/10/2021

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/ /2021

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

gk

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,
SATTUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14440 of 2021
Date :06/10/2021