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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15781 of 2021

Muthuramalingam

... Petitioner/Accused No.1

Vs.

State rep.by

The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.513 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Prabhu, Advocate
for M/s.G.Sarath Kumar, Advocate

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

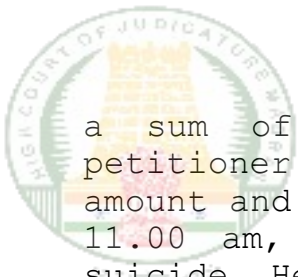
For Anticipatory Bail in Crime No.513 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 506 (ii) of IPC and Section 3 of Tamil Nadu Prohibition of Exorbitant Interest Act, 2003 in Crime No.513 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.12,00,000/- from the petitioner and others. However, the defacto complainant was unable to repay the same. Therefore, the defacto complainant's father sold his house and paid



a sum of Rs.6,00,000/- to one Krishnasamy. Thereafter, the petitioner went to the defacto complainant's house, demanded the amount and threatened him. Due to the same, on 02.09.2021, at about 11.00 am, the defacto complainant consumed poison and attempted suicide. Hence, the complaint.

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4.The learned counsel for the petitioner would submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor opposed this petition on the ground that since the petitioner threatened the defacto complainant, the defacto complainant consumed poison and attempted suicide.

6. Admittedly, the defacto complainant borrowed money from the petitioner and others. There is no averment in the First Information Report to the effect that the petitioner demanded exorbitant interest. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District and on him 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 Magistrate concerned and on further conditions that,

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with 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 Magistrate/ 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



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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
12/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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 JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15781 of 2021
Date :12/10/2021