WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16858 of 2021

S.Savariyan ... Petitioner/Accused

Vs

The State
Rep. by its Inspector of Police,
Koodangulam Police Station,
Tirunleveli.
(Crime No. 295 of 2021) ... Respondent/Complainant

For Petitioner : MR.K.K.Samy, Advocate.

For Respondent : MR.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.295 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 4 of Tamil Nadu Prohibition of Women's Harassment Act, in Crime No.295 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.10,000/- from the petitioner/accused and she paid a sum of Rs.6,000/- towards interest. On 17.06.2021, the petitioner came to the house of the defacto complainant and demanded more interest on the principal amount. He also abused the defacto complainant in filthy language and threatened her with dire consequences.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court, vide order dated 09.09.2021, in Crl.O.P.(MD)No.12805 of 2021, on the ground that the petitioner is in the habit of collecting exorbitant interest.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. In fact, the petitioner never demanded exorbitant interest from the defacto complainant on the amount borrowed by him. The petitioner has filed an affidavit before this Court that he never engaged in money lending business and further gave an undertaking that he will never engage in money lending business in future. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

6. Considering the allegation levelled against the petitioner and also considering the undertaking affidavit filed by the petitioner before this Court that he will never engage in money lending business in future, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, on condition that the petitioner shall execute 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 Aadhaar card or bank pass book to ensure their identity.

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

[c] the petitioner shall also file similar undertaking affidavit, as has been filed before this Court, before the respondent Police.

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

https://hcservices.ecourts.gov.in/hcservices/

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

[f] 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 is 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].**

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

sd/-
24/11/2021

/ TRUE COPY /

/ /2021

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 JUDICIAL MAGISTRATE,
RADHAPURAM,
TIRUNELVELI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTIRCT.

3 THE INSPECTOR OF POLICE ,
KOODANGULAM POLICE STATION,
TIRUNELVELI.

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-8511[I] dated 25/11/2021)

ORDER
IN
CRL OP(MD) No.16858 of 2021
Date :24/11/2021

PKP/VR/SAR-2/29.11.2021/3P/6C

https://hcservices.ecourts.gov.in/hcservices/