



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4202 of 2022

K.Suresh

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1781 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.1781 of 2021, on the file of the respondent police.

For Petitioner : Mr.G.Ravikumar

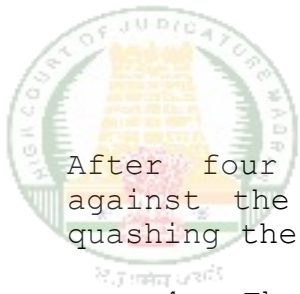
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 323, 386 and 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003, in Cr.No.1781 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that the defacto complainant had borrowed only a sum of Rs.3,00,000/- from the petitioner, who is a money lender and alleged to have charged exorbitant interest to the tune of Rs.18,00,000/- excluding principal amount and threatened the defacto complainant and his family members with dire consequences and as a result, the defacto complainant was compelled to execute a mortgage deed dated 01.09.2017 with interest at 18% p.a and subsequently, he was compelled to execute sale deed in favour of petitioner on 19.02.2018 for alleged sale consideration of Rs.30,00,000/- and in spite of the same, the petitioner alleged to have claimed Rs.54,00,000/- as interest. Hence, the complaint.

3. The learned counsel for the petitioner submits that he purchased the property from the defacto complainant in the year 2018.



After four years, the defacto complainant lodged the complaint against the petitioner. Further, he initiated the proceedings for quashing the FIR in CrI.O.P.No.1926 of 2022.

4. The learned Government advocate (CrI. Side) raised objection stating that the petitioner lent money with exorbitant interest and the defacto complainant borrowed loan of Rs.3,00,000/- for that the defacto complainant paid a sum of Rs.18,00,000/- as a interest. Subsequently, the sale deed was executed. Hence, the alleged matter settled between the parties.

5. On seeing the facts, it is found that mortgage deed was executed in the year of 2017 by the defacto complainant in favour of the petitioner by mortgaging 2,400 square feet of property. Then, the same property was sold to this petitioner for alleged sale consideration for a sum of Rs.30,00,000/-. Now, after four years FIR was lodged by the defacto complainant stating that he pledged the property for the money he borrowed from the petitioner and the same was forcibly taken away by this petitioner.

6.Considering the above facts it is clear that there was a money transaction between both the parties and since already the matter was settled between the parties, this Court is of the view that if he released on anticipatory bail he may not tamper the evidence.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Namakkal, and on further conditions that:

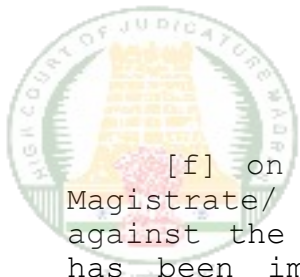
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.1781 of 2021 before the concerned Judicial Magistrate Court.

[c] the petitioner shall report before the respondent police every Tuesday, Saturday at 10.30 a.m., for a period of three months and thereafter as and when required for an interrogation;

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

[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 has 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]; and;

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

-sd/-

03/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.G.RAVIKUMAR Advocate on payment of necessary charges Sr.3256

CRL OP.4202/2022

Date :03/03/2022

RVR 10/03/2022