



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9982 of 2022

P. SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
ERODE DISTRICT.
CR.NO. 310 OF 2018.

For Petitioner : M/S. N.MANOCHARAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.310 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner fearing arrest by the respondent Police is before this Court seeking anticipatory bail. The First Information Report registered based on the complaint given by one Murugan on 23.11.2018 indicates that the de facto complainant borrowed a sum of Rs.4,00,000/- and had already paid Rs.23,00,000/- to this petitioner herein. However the petitioner demanding exorbitant interest trying to intimidate the de facto complainant and there was a malicious prosecution. From the First Information Report it appears that the complaint lodged on 23.11.2018 after the receipt of the statutory notice under Section 138 of Negotiable Instruments Act issued by the petitioner.

3. The learned Counsel for the petitioner would submit that the petitioner has lent loan to the de facto complainant for which the de facto complainant has given a cheque for Rs.6,00,000/- to discharge the loan. But on presentation of the cheque, the same got bounced. Therefore statutory notice was issued to the de facto complainant to



avoid facing prosecution on that case, the present complaint has been foisted.

4. Considering the claims and facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.1, Bhavani on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigating Officer as and when required for 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 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2022

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.1, BHAVANI

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.MANOCHARAN Advocate on payment of necessary charges
Sr.6492

CRL OP.9982/2022

Date :28/04/2022

RVR 05/05/2022