



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

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.14466 of 2022

GANDHIMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.209 OF 2022

[RESPONDENT]

For Petitioner : M/S.K.GОВI GANESAN Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

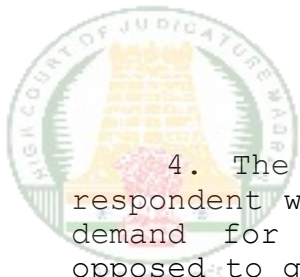
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3 and 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003 read with Section 506(1) of IPC in Crime No.209 of 2022 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.5,00,000/- from the petitioner and handed over original title deeds towards security and executed four blank promissory notes and two blank cheques and for one year he had paid interest at Rs.15,000/- Due to loss of income, the defacto complainant could not pay the interest and the petitioner herein insisted him to demand a sum of Rs.27,00,000/- and further threatened that with the aid of four promissory notes case will be filed through third parties. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had asked for exorbitant demand for the said sum of Rs.5,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. On perusal of records, it is seen that the petitioner's son already filed a suit for recovery of money in O.S.No.312 of 2019 on the file of the II Additional District Judge, Tiruppur as against the defendant.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif-Cum-Judicial Magistrate, Uthukuli on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for an 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].



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

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-sd/-
23/06/2022

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

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKULI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.GОВI GANESAN Advocate on payment of necessary
charges Sr.9859

CRL OP.14466/2022

Date :23/06/2022

RVR 29/06/2022