



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15092 of 2022

SHYAM @ SHYAM MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
DEVALA POLICE STATION,
NILGIRIS DISTRICT
(CRIME NO.115/2022)

[RESPONDENT]

For Petitioner : M/S.J.UMACHARAN Advocate

For Respondent : M/S.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 Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.115 of 2022, seeks anticipatory bail.

2. The case of the prosecution is one Mohammed Iyub S/o. Musthapa lodged complaint before the respondent police on 12.06.2022 against the petitioner with regard to debt borrowed by the de-facto complainant and case was registered against this petitioner.

3. The learned counsel appearing for the petitioner submitted that, on August 2021 the petitioner gave a hand loan to the de-facto complainant and the same was not repaid till date, for which, petitioner directed the de-facto complainant to repay the amount within 10 days. Subsequently, de-facto complainant lodged the above complaint with malafied intention. He further submitted that he is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The de-facto complainant pledged his Auto RC Book with the petitioner and borrowed a sum. Even after the return of entire amount, the petitioner is possessing the RC Book of the Auto.

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5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall hand over the RC Book of the Auto to the de-facto complainant, and on such acknowledgment, 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 Judicial Magistrate Court, Pandalur, 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 hand over the RC Book of the Auto to the de-facto complainant, and the acknowledgment for the same shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter 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.

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-sd/-

30/06/2022

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 JUDICIAL MAGISTRATE,
PANDALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS DISTRICT. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
DEVALA POLICE STATION,
THE NILGIRIS DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.UMACHARAN Advocate on payment of necessary charges SR.NO. 10368

CRL OP.15092/2022

Date :30/06/2022

RW-01/07/2022