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CrI.OP.No.16538 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16538 of 2022

S.Ramkumar

..Petitioner

Vs.

State rep by
The Inspector of Police,
Moolanur Police Station,
Thiruppur District.
In Crime No.163/2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Cr.No.163/2022 on the file of
the respondent police.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 25.06.2022 for the offence under Sections 294(b) and 506(i)



CrI.OP.No.16538 of 2022

of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 in crime No.163 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that *de-facto* complainant borrowed a sum of Rs.10,000/- as hand loan from the accused/petitioner herein. For the said loan, the accused person fixed a sum of Rs.1,000/- as monthly interest and after deducting the interest, he given only Rs.9,000/- . Further for the said loan, the accused person obtained signature from the *de-facto* complainant in the empty promissory note and the Aadhar card. It is further alleged that thereafter the *de-facto* complainant paid the interest properly. While being so, on 16.05.2022, at about 9.00 p.m. the accused person came to the *de-facto* complainant's house, abused with filthy language and also threatened him and his wife by demanding interest. Hence, the complaint.

3. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his



CrI.OP.No.16538 of 2022

arrest i.e. 11.06.2022, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner shall return the promissory note and other documents which were executed by the *de-facto* complainant at the time of borrowal of the loan and on such acknowledgment, the petitioner is ordered to be released on bail on his 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, Dharapuram, Thiruppur District** and on further conditions that:

[a] 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 return the promissory note and other documents which were executed by the *de-facto* complainant at the time of borrowal of the loan 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 two weeks and thereafter as and when required for interrogation.

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



CrI.OP.No.16538 of 2022

WEB COPY

[e] the petitioner shall not tamper with evidence or witness 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]**.

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

15.07.2022

mpl



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CrI.OP.No.16538 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Dharapuram, Thiruppur District.
- 2.The Inspector of Police,
Moolanur Police Station,
Thiruppur District.
- 3.Sub Jail,
Dharapuram.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.16538 of 2022

15.07.2022