



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.821 of 2022

P.Ponvel

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.464 of 2021)

...Respondent/Complainant

For Petitioner : M/s.S.Vishuwardhan, Advocate.

For Respondent : M/s.M.Muthumanikkam
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

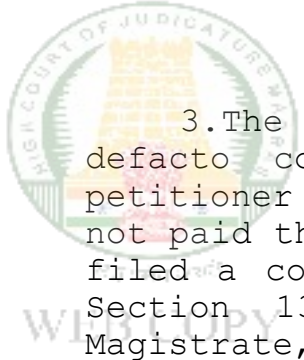
PRAYER :-

For Anticipatory Bail in Crime No.464 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, 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 and Section 506(1) IPC, in Crime No.464 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.50,000/- from the petitioner with the interest of Rs.300/- per day and the defacto complainant has already paid the principal amount, but the petitioner demanded more interest and principal amount and also abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the defacto complainant received a sum of Rs.3,00,000/- from the petitioner and issued a cheque. Since the defacto complainant has not paid the amount, the petitioner, after sending legal notice, has filed a complaint under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instrument Act before the learned Magistrate, Fast Track Court (Magisterial Level), Thoothukudi, on 01.11.2021 and the case was posted on 10.01.2022 for taking sworn statement. He would further submit that after filing the above complaint, the defacto complainant has preferred a complaint on 08.12.2021 for the alleged occurrence happened on 08.09.2021, for which, FIR came to be registered on 08.12.2021.

4.The learned Government Advocate (Criminal Side) would submit that the defacto complainant has borrowed a sum of Rs.50,000/- that he has already repaid the the amount with interest and that the petitioner had demanded more interest and principal amount and also threatened him with dire consequences and therefore, FIR came to be registered.

5.Considering the fact that the petitioner has already filed a complaint under Section 138 of Negotiable Act before the jurisdictional Magistrate and the same is pending and also the facts that the defacto complainant has filed the complaint on 08.12.2021 three months after the alleged occurrence and that the petitioner is not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 Magistrate may obtain a copy of their Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 229-A IPC.

Sd/-
11/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.821 of 2022
Date :11/02/2022