



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 02/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)No.1071 of 2022

R.Thangadurai

... Petitioner/Accusd No.1

Vs.

The State rep. By
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi.
(Crime No.470 of 2021)

... Respondent/Complainant

Krishnashanthi

... Interver Petitioner/
Defacto Complainant
In CRL MP(MD).1066/2022

For Petitioner : Mr.R.J.KARTHICK, Advocate

For Respondent : Mr.SS.MADHAVAN
Government Advocate (Crl. Side)

For Intervenor : Mr.M.CHANDRASEKARAN, Advocate

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.470 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

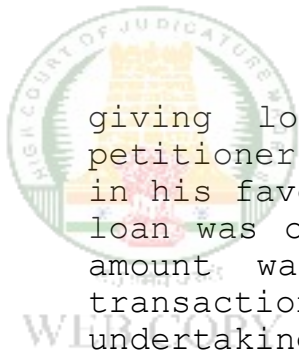
The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 28.12.2021 for the offence punishable under sections 406, 420, 511 IPC r/w 306 IPC and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.470 of 2021 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charges for the offences under sections 406, 420, 511 IPC r/w 306 IPC and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent/State. The intervener also advanced his argument.

4.The learned Government Advocate (Criminal side) would submit that the *modus operandi* of the petitioner is that under the guise of

<https://hcservices.ecourts.gov.in/hcservices/>



giving loan on interest that too with exorbitant rate, the petitioner inducted the victim person to execute a nominal sale deed in his favour. Taking advantage of the above said nominal sale deed, loan was obtained from the Tamilnadu Mercantile Bank and that loan amount was lended for higher interest. At the time of the transactions, this petitioner alleged to have been given an undertaking that soon-after the return of the entire amount, reconveyance deed will be executed in his favour. So believing the words only, victim obtained loan of Rs.94.94 lakhs.

5.The learned counsel appearing for the petitioner would submit that it is out and doubt the sale transaction and there is no necessity for the petitioner to involve in such *modus operandi*. When trouble arose between the parties with regard to the issue, a false complaint has been give as if sale deed is a nominal one. It is further submitted that in order to escape from the issue, such criminal colour has been given.

6.The entire CD file has been called for and perused. Whether the entire transactions between the petitioner and the victim, who is the husband of the de-facto complainant is out and doubt of sale or only a money transaction and whether the disputed sale was executed as a security for the repayment of the amount, got to be considered only by the competent civil court.

7.Even though during the course of investigation, materials can be collected to some extent to show the real nature of the transactions, only the civil court is competent to decide the issue. The victim also left a suicide note stating that he was cheated by this petitioner, even after the repayment of the loan amount. Whether the petitioner created circumstances to drive the victim to commit suicide is a matter for investigation and trial. Perusal of the CD file shows that major portion of the investigation is also over.

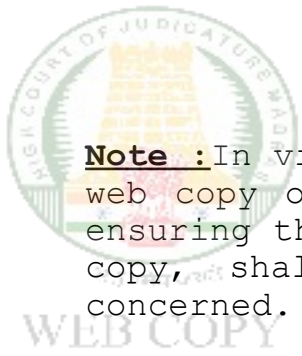
8.Considering above facts and circumstances of the case and also considering the period of incarceration, this court is inclined **to enlarge the petitioner on bail** with certain conditions.

9.Accordingly, 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, Tenkasi and on further condition that the petitioner shall report before the respondent police once in 15 days at 10.00 a.m. until further orders.

sd/-
02/02/2022

/ TRUE COPY /

03/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1071 of 2022

Date :02/02/2022

SA/PN/SAR.1/03.02.2022/3P/6C