



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10888 of 2022

A.Saravanan,

... Petitioner/Single Accused

Vs

THE STATE REP BY,
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
Crime.No.273 of 2022.

... Respondent/Complainant

For Petitioner : Mr.V.Nagarajan, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

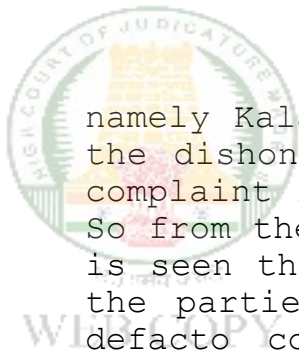
For Anticipatory Bail in Crime No.273 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 294(b) and 506 (i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.273 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant borrowed some money from the accused persons in 2017. Exorbitant interest was claimed by the accused persons and the defacto complainant has also paid the same. After discharging the liability, he demanded back the pro-note, cheque etc., On 15.05.2022 at about 09.00 pm., that was objected by the accused and they also criminally intimidated him and abused in filthy language. Hence, the complaint.

3.Now the case of the petitioner is that on 11.06.2022 on the basis of the cheque that was issued by the defacto complainant,



namely Kalaiselvan, the accused issued a statutory notice regarding the dishonour of the cheque. It is also seen that the date of the complaint is 10.06.2022 and the date of notice is dated 11.06.2022. So from the reading of the complaint as well as the legal notice, it is seen that there was some sort of money transaction issue between the parties. What was the actual amount that was borrowed by the defacto complainant and what was the interest is a matter for consideration during the course of investigation or trial, if any case is registered by the accused persons against the defacto complainant under Section 138 of NI Act.

4.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate No.1, Karur 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/06/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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.I,
KARUR.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-6034[I] dated 23/06/2022)

ORDER

IN

CRL OP(MD) No.10888 of 2022

Date :23/06/2022

PKP/SVR/SAR-1/07.07.2022/3P/6C