



WEB COPY

CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11591 of 2022

V.Enbakubendran

... Petitioner/Sole Accused

Vs

1.The State rep.by,
The Inspector of Police,
Mattuthavani Police Station,
Madurai District.
Cr.No.246/2022.

... Respondent/Complainant

2.Sankar

...Petitioner/
Defacto Complainant
in CRL MP(MD)NO.7889/2022

For Petitioner : M/s.Jinnah S M A, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervener : Mr. P.Senguttuarasan, Advocate

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

PRAYER :-

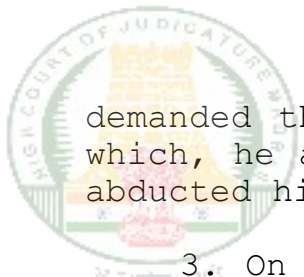
For Anticipatory Bail in Cr.No.246/2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 379, 506(ii) IPC and Section 4 of Tamil Nadu Exorbitant Interest Act, 2003, in Crime No.246 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed the a sum of Rs. 5 lakhs from the petitioner at different intervals for his business development and he paid the interest

<https://www.mhctn.gov.in/judis>



demanded the defacto complainant to pay the principal amount, after which, he abused and threatened him with dire consequences and also abducted his four wheeler and cheque books. Hence, the complaint.

3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. The defacto complainant already sold the car to the petitioner on 23.11.2021 and after a lapse of eight months, this false case was foisted against him on 22.06.2022, that too, before the respondent Police, which is not the jurisdictional police. The petitioner also obtained an order from this Court for not to harass. However, the respondent police used to harass him. The petitioner also filed contempt petition. During the mediation, the defacto complainant agreed to pay Rs.8lakhs and the same was accepted by the petitioner, but he failed to do so. Hence, prays to release him on anticipatory bail.

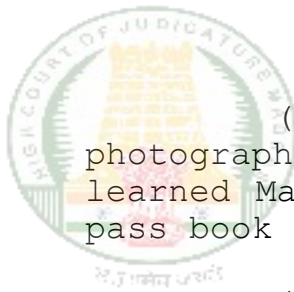
4. On the side of prosecution, it is stated that in this case, there are totally three accused. The petitioner is arrayed as A1. The defacto complainant and A2 are friends. A2 introduced A1 to the defacto complainant. The petitioner demanded exorbitant interest from the defacto complainant, though he paid Rs.7,88,000/- for his debt of Rs. 5 lakhs. The investigation has not been completed. Hence, prays to dismiss the petition.

5. On the side of intervener, it is stated that the accused persons demanded exorbitant interest and took the car of the defacto complainant and got signature in various papers. The petitioner has failed to obey the earlier order passed by this Court to return the car to the defacto complainant. Hence, prays to dismiss the petition.

6. Considering the fact that the dispute is purely a money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner shall **pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the Crime No.246 of 2022, on the file of the Judicial Magistrate No.VI, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

8. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.VI, Madurai, 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 on further conditions that:



(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 am until further orders;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/10/2022

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/11/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3. THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.P.SENGUTTUARASAN, Advocate SR-12178

ORDER IN

CRL OP(MD) No.11591 of 2022

Date : 28/10/2022