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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Reserved on : 14/09/2022

Pronounced on : 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.12042 of 2022

- 1.Ayyaduraipandian @ Ayyadurai
- 2.Akilandeeswaran @ Akilan
- 3.Uthandaraj
- 4.Vijayaragunathan @ Viji ... Petitioners/Accused Nos.1 to 4

(Petitioners 1,2 and 4 names are amended
as per order of the court dated
28.07.2022 in CRL MP(MD)No.8595 of 2022
in CRL OP(MD)No.12042 of 2022 by GIJ)

Vs

- 1.State represented through
The Inspector of Police,
Kayathar police Station,
Thoothukudi District.
(Crime No.270/22).

(Crime Number amended as per order of the
court dated 28.07.2022 in CRL MP(MD)
No.8595 of 2022 in CRL OP(MD)No.12042 of
2022 by GIJ)

- 2.Deputy Superintendent of Police,
Maniyachi I/C Kovilpatti,
Thoothukudi District. ... Respondent/Complainant

For Petitioners: M/s.S.Siva Ilayaraja
Advocate.

For Respondent : Government Advocate (Crl.Side)

For Intervener : Mr.M.RamSundar Vijayaraj, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.270/2022 on the file of
Thoothukudi District Police.

<https://www.crl.org.in>



ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Exorbitant Interest Act, 2003 in Cr.No.270 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant executed a sale deed in favour of the first petitioner as a security for the loan he borrowed from the first petitioner. When the defacto complainant was ready to repay the loan amount, the petitioners refused to re-sale the properties and threatened the defacto complainant with dire consequences. Hence the complaint.

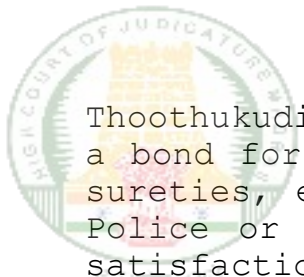
3.The learned counsel for the petitioners submitted that the defacto complainant has sold the property to the first petitioner. Now he has given a false complaint as if he has borrowed a loan from the 1st petitioner and executed sale deed only as a security for the loan. The petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are four accused in this case. The first and second petitioners are father and son. The defacto complainant has executed three sale deed regarding his properties to the first petitioner and the petitioners threatened the complainant and prayed the petition to be dismissed.

5.On the side of the intervener it is stated that the complainant was doing real estate business and for the business he borrowed Rs.10 Lakhs at 10/100 per month, interest in 2018 from the petitioner and executed a sale deed as a security. Again the complainant borrowed Rs.5 Lakhs for 10/100 per month interest and executed another sale deed. Again he borrowed Rs.7 Lakhs and when the complainant was ready to repay the loan amount with interest, the petitioner demanded Rs.1 Crore and scolded the complainant in filthy language and threatened him with a sickle and prayed the petition to be dismissed.

6.Considering the facts and circumstances of this case and considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are 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, to the learned Judicial Magistrate No.II, Kovilpatti,



Thoothukudi District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

(d) the petitioners 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 petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/09/2022

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/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
MANIYACHI I/C KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.SIVAILAYARAJA, Advocate (SR-10245[I]dated 20/09/2022)
ORDER IN
CRL OP(MD) No.12042 of 2022
Date :19/09/2022

pnn

<https://www.hc.mn.gov/index.html>