



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

Date : 20/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12229 of 2022

1. Karthikeyan
2. Ravi @ Manokaran

... Petitioners/Accused No.1&3

Vs

The State Rep. By,
The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime.No.228 of 2022.

... Respondent/Complainant

For Petitioners: M/s. Arunraj.K,
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. 228 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, in Crime No.228 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case has been lodged on the ground that at the time borrowing money, the petitioner executed a sale deed infavour of the first petitioner for security purpose of repayment of the loan amount of Rs.7 Lakhs, which was received at the interest 2.50 %. He has regularly paid the interest amount. After some time, he was not in a position to pay the interest regularly. When the demand was made by him to register a property infavour of him, the accused persons refused the same. Now, the value of the property is worth



about more than Rs.50 lakhs. When the demand was made, they asked him to pay a sum of Rs.30 lakhs as additional amount over the principal amount. The accused person already having a habit of grabbing property in the case of lending money.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that sale deed executed by him was out and out a sale deed. Now, the demand made by him to register the property in favour of him was rejected, present complaint has been registered against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Whether the above said document executed only for the purpose of security is a matter for consideration either by the Civil Court or by the Investigating Officer during the course of investigation of trial. Since the document is in favour of the accused persons, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners 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/-
20/07/2022

/ TRUE COPY /

/07/2022

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,
MUSIRI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12229 of 2022

Date :20/07/2022

DSS

USK/SVR/SAR-I/28.07.2022/3P/5C