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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP(MD). No.15440 of 2022

Rengaraju ... Petitioner/Accused No.3
Vs

1. The State rep.by,
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.476/2022) ..

... Respondent/Complainant

2. Vijayalakshmi

... 2nd Respondent

(R2 Suo Motu Impleaded as Per Order of
this Court dated 30.08.2022 in
Crl OP(MD)No.15440 of 2022 by GIJ)

For Petitioner : M/s.Sivaram J,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.476/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections
147, 294(b) and 323 IPC and Section 4 of Women Harassment Act (TNPWH
Act) and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant
Interest Act, in Cr.No.476 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a
money lender and he has given sum of Rs.50,000/- to the defacto
complainant's husband for exorbitant interest and subsequently, he

<https://www.mhco.nagov.in/judis>



failed to repay the same and that the petitioner has harassed the defacto complainant and his wife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is a money lender, due to the non-payment of amount, he has damaged the two wheeler of the defacto complainant. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that it is a money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate No. II, Kulithalai, 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:

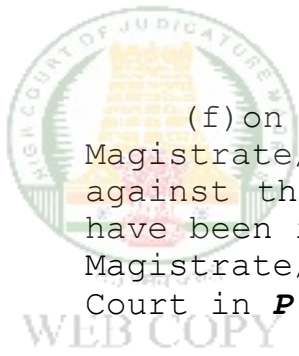
(a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.476 of 022, before the Court concerned**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) the petitioner 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;



(f) 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;

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

sd/-
10/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II, KULITHALAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15440 of 2022
Date :10/11/2022

RK/VR/SAR-2 (21/11/2022) 3P/5C