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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16563 of 2022

1. Karthikeyan
2. Ravi @ Manokaran ... Petitioners/Accused No.1 & 3

Vs

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.M.Muthumanikkam,
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/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 of Tamil Nadu 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 against the petitioner is that at the time of borrowing Rs.7,00,000/- for interest at the rate of 2.50/100 per month, the petitioner executed a sale deed in favour of the first petitioner for security purpose. He was regularly paying the interest. After some time, he could not pay the interest regularly.



Then the de-facto complainant was ready to repay the loan amount with interest and a demand was made by him to register the property again in his favour. The accused claimed a sum of Rs.3,00,000/- in addition to the actual amount and refused to register the property in the name of the de-facto complainant. Now, the value of the property is worth more than Rs.50,00,000/-. The accused person are having the habit of grabbing the property in the guise of lending money.

3.On the side of the petitioners, it is stated that earlier the petitioners have filed a petition for anticipatory bail in CrI.O.P. (MD)No.12229 of 2022 and the same was allowed by this Court, on 20.07.2022 on condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. It is further stated that the due to the illness of the first petitioner, they were not in a position to surrender and produce the sureties within the time stipulated by this Court. Therefore, the petitioners are constrained to file this petition.

4.Considering the above facts and circumstances of the case and on considering the fact that the petitioners were already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

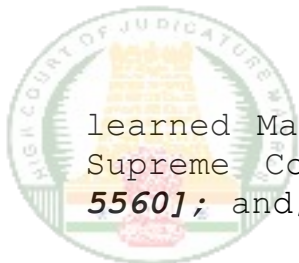
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(iv)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 petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
15/09/2022

/ TRUE COPY /

/09/2022

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

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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-
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.

+1. CC to M/S. ARUNRAJ K Advocate SR.No.10073

ORDER
IN
CRL OP(MD) No.16563 of 2022
Date :15/09/2022