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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 18/02/2022

PRONOUNCED ON : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.18306 of 2021

Sowdi

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
K. Pudur Police Station,
K.Pudur,
Madurai - 625007.
(Crime No. 1332/2021)

... Respondent/Complainant

(Amended as Per Order of
this Court dated 05.01.2022
in Cr1.MP (MD) No.10998 of 2021
in Cr1.O.P. (MD) No.18306/2021
by GIJ)

K.Elakkiya

... Intervener Petitioner/
Defacto Complainant
(Cr1.MP (MD) No.130/2022)

For Petitioner : M/s.Villavankothai T, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Cr1.Side)

For Intervenor : M/s.R.Murali, Advocate

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

PRAYER :-

<https://hcservices.ecourts.gov.in/hcservices/>

For Anticipatory Bail in Crime No.1332 of 2021 on the file of
the respondent Police.



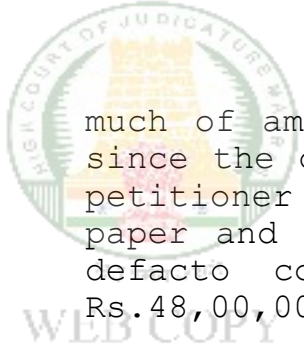
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003, in Cr.No.1332 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner gave a loan amount of Rs.13,00,000/- to the defacto complainant, that even after receiving the amount of Rupees Fifty Eight Lakhs towards principal and interest, he has been demanding more amount, that he has charged 10% for 10 days, that the petitioner has been coming and shouting in front of home and shop and he has been forcibly entering into home at inappropriate time, that he has been calling over 50 times per day, that the petitioner had already taken Aadhar card, cheque leaves and signature in the green sheets and stamp papers and also cheque leaves of her mother and husband and that he has been torturing her continuously. Hence, the present complaint.

3. The case of the petitioner is that he is running a hotel in the name and style of Deepak Restaurant at K.Pudur, Madurai City, that on 02.02.2021, the defacto complainant has received a sum of Rs.48,00,000/- in various instalments with regard to the execution of a sale deed in respect of the property situated at Alagamanagari, Sivagangai District, that the defacto complainant thereafter has not chosen to execute the sale deed and is attempting to cheat him, that the petitioner has already given complaint to the respondent police against the defacto complainant, but the respondent has not taken any action, that the petitioner has then filed a petition under Section 156(2) Cr.P.C., before the jurisdictional Magistrate and the same is pending and that the defacto complainant, in order to escape from her liability, has lodged the above false complaint.

4. The learned Counsel for the intervenor would submit that the intervenor approached the petitioner through another friend and got a loan of Rs.13,00,000/-, that the petitioner informed the rate of interest as Rs.10 paise for 10 days and ie., 30paise for a rupee for a month, that the defacto complainant has been paying monthly interest at Rs.1,30,000/- regularly, that the defacto complainant had repaid the interest along with the principal amount through the bank account transactions in favour of the petitioner in two bank accounts owned by him, one at SBI Alagarkovil branch and the other at KVB, Anna nagar branch, that the defacto complainant has so far paid more than Rs.58,00,000/- to the petitioner towards principal and interest, that the petitioner at the time of extending loan, had taken the defacto complainant's signature over blank 100 Rupees non-judicial stamp papers and in green sheets and also collected more than 10 blank cheques, that the petitioner, even after collecting so



much of amount, had been threatening the defacto complainant, that since the defacto complainant has chosen to prefer a complaint, the petitioner by utilising the signatures obtained in the blank stamp paper and in green papers, had created a sale agreement as if the defacto complainant agreed to sell her property and received Rs.48,00,000/-.

5. The learned Counsel for the intervenor would further submit that the petitioner, by using the blank cheques, has now set up one Sasikumar to file a cheque dishonour complaint against the defacto complainant and that the petitioner, by fabricating an agreement of sale, is attempting to cheat the petitioner. The learned Counsel for the intervenor, by showing the copy of the sale agreement produced by the petitioner in his typed set of papers, would contend that the same was created by using the signatures obtained in stamp papers as well as in the concur sheets and that is why there was considerable distance between the content of the document and the signature of the defacto complainant.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner is a money lender and that since the defacto complainant has raised serious allegations, the matter is under investigation.

7. Whether the sale agreement is genuine or is created with the help of the signatures obtained in blank papers, cannot be gone into by the Bail Court and it is a matter for investigation. Considering the seriousness and gravity of the offence alleged and also the fact that the investigation is pending as stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

8. In the result, the Criminal Original Petition is dismissed.

Sd/-
22/02/2022

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/ /2022
Sub-Assistant Registrar (C.S.IV)
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 INSPECTOR OF POLICE,
K. PUDUR POLICE STATION,
K. PUDUR,
MADURAI - 625007

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

ORDER

IN

CRL OP (MD) No.18306 of 2021

Date :22/02/2022

SP/JM/SAR IV/25/02/2022/4P/3C