



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.19664 of 2021

Seenipandian ... Petitioner/Accused No.1

Vs

The state represented by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.533/2021

... Respondent/Complainant

S.P.Krishnamoorthy ... Petitioner/Intervening Petitioner/
Defacto complainant

For Petitioner : M/s.N.Mohideen Basha,
Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor
For Intervenor : Mr.Ramsundar Vijayaraj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.533 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Sections 294(b),
506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Charging
Exorbitant Interest Act, 2003, in Crime No.533 of 2021, seeks
anticipatory bail.

2. The case of the prosecution is that the defacto complainant
borrowed a sum of Rs.65,00,000/- from the first accused before 1 ½
years and executed a mortgage deed with regard to his complex in
favour of the first accused. The defacto complainant has to pay
Rs.2,00,000/- as monthly interest to the first accused. He paid
monthly interest for some time and due to pandemic situation, he
could not pay the interest to the first accused. Therefore, the
accused persons abused the defacto complainant and asked him either
to vacate the shop or to pay Rs.1.5 crore and criminally intimidated
him. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the defacto complainant sold his complex to the petitioner by way of a registered sale deed as early as on 24.10.2019 for a sale consideration of Rs.9,50,000/- and all the documents have been mutated in the name of the petitioner and the petitioner is regularly paying property tax and EB etc., and also collecting rent from two tenants. Since the market value of the said property had increased, the defacto complainant in order to extort money had foisted this false case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant submits that the defacto complainant is a realtor and also owns a shopping complex in Kayathar Keela Bazaar. The defacto complainant borrowed Rs.65,00,000/- as loan from the petitioner. At that time of lending money, the petitioner insisted him to execute a sale deed in respect of shopping complex having an extent of 5 cents. After executing the sale deed, the defacto complainant has paid interest of Rs.35,00,000/-. Even after that, the petitioner pressurized the defacto complainant either to pay Rs.1.5 Crore towards principal amount and interest or to vacate the shopping complex.

5. Considering the rival submissions made, this Court, vide order dated 14.12.2021, this Court had referred the matter to Mediation centre.

6. Today, the learned Mediator stated that there is no response from the petitioner and he did not appeared before the Mediator.

7. It appears that this is the third application for anticipatory bail. The earlier anticipatory bail Petitions filed in CrI.OP(MD)No.14366 of 2021 was dismissed as against the petitioner on 27.10.2021, considering the habit of collecting exorbitant interest and also considering the report of the investigating officer.

8. Having obtained an interim order of protection as against the arrest, the petitioners failed to co-operate for the enquiry and failed to appear before the respondent police and / or the Mediator. In view of the conduct and attitude of the petitioners, this Court is not inclined to entertain this application and the same is accordingly, dismissed.

sd/-

27/01/2022

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Sub-Assistant Registrar (C.S.)
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 INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
THOOTHUKUKDI DISTRICT.

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

+1. CC to M/S.Ramsundar Vijayaraj Advocate SR.No.452

ORDER

IN

CRL OP(MD) No.19664 of 2021

Date :27/01/2022

SS/VR/SAR-III/01.03.2022 : 3P/4C