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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD). No.19076 of 2022

Sudharsan ... Petitioner/Accused No.1

Vs

1.The State Rep.by,
The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No.210/2022).

...1st Respondent/Complainant

2. Kishore Kumar

...2nd Respondent/
Defacto Complainant

For Petitioner : M/s.Bharathi C,
Advocate.

For R1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

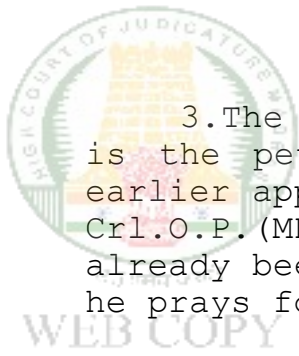
PRAYER :-

For Anticipatory Bail in Crime No.210/2022 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 offences punishable under Sections 294(b) and 506(i) IPC and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.210 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant borrowed a sum of Rs.5,00,000/- with interest at the rate of 12% per annum from the petitioner. Though the same was repaid by him, the petitioner demanded exorbitant interest amount and also criminally intimidated him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 12.10.2022 in Crl.O.P.(MD)No.11984 of 2022. He would further submit that A2 has already been granted anticipatory bail by the District Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there are two accused in this case and the petitioner is arrayed as A1. The de-facto complainant borrowed a loan from the petitioner and thereafter, he was unable to paid the loan amount, the accused persons demanded exorbitant interest and also criminally threatened him. He would further submit that the petitioner is having six previous cases and his earlier application was dismissed by this Court, dated 12.10.2022. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners 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, Bodinayakkanur, Theni District, 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 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 petitioner shall report before the respondent police daily at 10.30 am and 05.00 p.m., until further orders.

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

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

(e)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



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

sd/-
03/11/2022

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/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.BHARATHI, Advocate (SR-12504[I] dated 07/11/2022)

ORDER
IN
CRL OP(MD) No.19076 of 2022
Date :03/11/2022

RK/BUC/SAR-4 (15/11/2022) 3P/6C