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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP (MD) . No.19965 of 2022

Vijay Anand

... Petitioner/Accused-1

Vs

1. State rep.b y
The Inspector of Police,
Thanthonimalai Police Station,
Karur District
(Crime No.310 of 2022).

... Respondent/Complainant

2. M.Sakthivel

... 2nd Respondent/Defacto
Complainant

For Petitioner : M/s.Raja Ravi Varma M, Advocate.

For 1st Respondent : Mr.M.Muthumanikkam,
Government Advocate (Cr1.Side)

For 2nd Respondent : Mr.S.Vanchinathan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.310 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b) and 506(1) IPC r/w Section 4 of TN Prohibition of Charging
Exorbitant Interest Act, 2003, in Cr.No.310 of 2022, seeks
anticipatory bail.



2.The case of the prosecution is that there was a dispute between the landlord/petitioner and the tenant/de-facto complainant. The de-facto complainant borrowed a loan for a sum of Rs.5,000/- and Rs.10,000/- 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 in CrI.O.P.(MD) No.13377 of 2022, dated 11.10.2022. He would further submit that due to landlord and tenant dispute, a false case was foisted against him. He would further submit that A2 was already granted anticipatory bail by this Court in CrI.O.P.(MD)No.19804 of 2022, dated 09.11.2022. Hence, he prays for anticipatory bail.

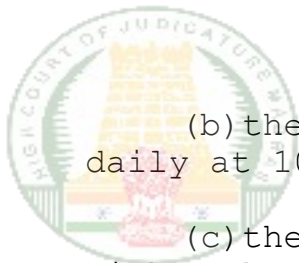
4.The learned Government Advocate(CrI.Side) would submit that totally three accused in this case and the petitioner is arrayed as A1 in this case. Due to money dispute between the parties, the petitioner and other accused persons demanded exorbitant interest from the de-facto complainant and also criminally intimidated him. He would further submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court in CrI.O.P.(MD)No.13377 of 2022, dated 11.10.2022. He would further submit that six witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that A2 was already granted anticipatory bail and also the fact that six witnesses have been examined sofar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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.1, Karur, 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 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 06.00 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

Sd/-

17/11/2022

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

+1. CC to M/S.S.VANCHINATHAN, Advocate SR.No.13267

ORDER

IN

CRL OP(MD) No.19965 of 2022

Date :17/11/2022

SP/VR/SAR /24/11/2022/3P/6C