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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.19804 of 2022

Sasi @ Sasikumar

... Petitioner/Accused-2

Vs

State rep.by
The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
(Crime No.310/2022).

... Respondent/Complainant

For Petitioner : M/s.Raja Ravi Varma M, 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. 310/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.310 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was dispute between landlord/petitioner and tenant/defacto complainant. The defacto complainant borrowed a loan for a sum of Rs.5,000, Rs.10,000/- and Rs.25,000/- 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. On the side of the petitioner, it is stated that the petitioner is an innocent and he had not committed any such offence, as alleged by the prosecution. Due to landlord and tenant dispute, this false case was foisted against him. He is no way connected with the offence. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner is not having any bad antecedent. There was money dispute between parties. In this case, there are totally three accused and the accused persons demanded exorbitant interest from the defacto complainant and also criminally threatened him. Investigation is not yet completed and hence, prayed to dismiss the petition.

5. Considering the facts and circumstances of the case and also considering the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.310 of 2022 before the learned Judicial Magistrate No.1, Karur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1. THE JUDICIAL MAGISTRATE NO.I,
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.

ORDER
IN
CRL OP(MD) No.19804 of 2022
Date :09/11/2022

SP/SSS/SAR III/17/11/2022/3P/5C