



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

WEB COPY

PRESENT

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

CRL OP(MD)No.20195 of 2022

Kannadhasan,

... Petitioner/2nd Accused

Vs

REP

The Inspector of Police,
Kulithalai Police Station,
Karur District.

Crime No.601 of 2022

... Respondent/Complainant

For Petitioner : Mr.N.Rajasekar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 601/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 506(i) of IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 & Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.601 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing vegetable and fruit selling business. In order to develop his business and to set up the shop, he brought loan amount of Rs.2,00,000/- from the accused persons by giving his property document, cheque book and pronote as security to loan amount. He had regularly paid interest amount of Rs.5,00,000/- and now, there



and also refused to give security documents. On 04.11.2012 the petitioner along with other accused came to the defacto complainant's house and threatened him and also made life threat to her family members. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to political vengeance, this false case has been given against the petitioner. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the first accused was arrested and thereafter, released on bail and the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner and other accused persons demanded exorbitant interest from the defacto complainant and also criminally threatened him. He would further submit that in this case, the first accused was arrested and thereafter, released on bail and investigation is not yet completed. Hence, he prayed to dismiss the petition.

5.Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioner and also the fact that co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 learned Judicial Magistrate No.II, Kulithalai, 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 the 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/-

15/11/2022

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/11/2022

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

TO

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

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-13134[I]dated 16/11/2022)

ORDER

IN

CRL OP(MD) No.20195 of 2022

Date :15/11/2022

cp

PKP/BUC/SAR-2/28.11.2022/3P/6C