



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.12.2022
PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P(MD)Nos.21422 and 21425 of 2022

Manikandan

... Petitioner / Accused No.2
in CrI.O.P.(MD)No.21422 of 2022

N.Indira @ Indrani

... Petitioner / Accused No.1
in CrI.O.P.(MD)No.21425 of 2022

-Vs-

The State Rep.By
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(Cr.No.186 of 2022)

...Respondent / Complainant
in both cases

COMMON PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.186 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.M.NAVINKUMAR, Advocate
(in CrI.OP(MD).21422/2022)

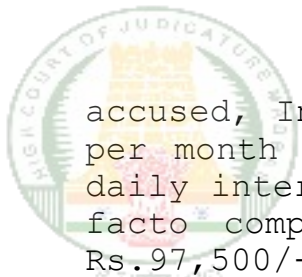
For Petitioner : Mr.R.MAHESWARAN, Advocate
(in CrI.OP(MD).21425/2022)

For Respondent : Mr.K.SANJAI GANDHI
Government Advocate (CrI.side)
(in both cases)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323 and 506(ii) IPC, Section 4 of TNPHW Act and Sections 3 and 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003 in Crime No.186 of 2022 on the file of the respondent police, seek anticipatory bail. The petitioner in CrI.O.P.(MD)No.21425 of 2022 is A1 and the petitioner in CrI.O.P.(MD)No.21422 of 2022 is A2/son of A1.

2.The case of the prosecution, as per the de-facto complainant, Anitha Raj, is that she is running a shop and that to extend her business she has taken a loan of Rs.1,00,000/- from the first



accused, Indra @ Indrani and she had claimed Rs.8,000/- as per month and had given her Rs.92,000/-. Later, it was converted daily interest and that, she was asked to pay Rs.3,250/- and the de-facto complainant had paid for 30 days totally to the tune of Rs.97,500/- and thereafter, she was unable to pay money. The accused Indra @ Indrani abused her with filthy language and taken her to one Chitra Hari, who running a finance company and taken an amount of Rs.2,00,000/- from her and handed over it to the de-facto complainant and had demanded to pay interest on the amount borrowed by her. Since the de-facto complainant was unable to pay money, on 15.06.2022 at 10.30, the first accused along with his son, the second accused, Chitra Hari and Poopandi had abused her and humiliated her, due to which, she consumed sleeping tablets to commit suicide and was admitted in hospital. Hearing further threat, she had given a complaint on 26.02.2022.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given to avoid re-payment of loan. He would submit that de-facto complainant was running a business. She has borrowed money from several persons and that she has not re-paid the amount. The de-facto complainant has also issued a cheque for Rs.1,00,000/- in favour of the first accused. When the first accused had presented the cheque for collection, it got bounced. Thereafter, the petitioners sent a legal notice and only after receipt of legal notice, a false complaint has been given. The de-facto complainant owe s Rs.1,00,000/- to the petitioners and only in respect of that, notice has been sent and the petitioners are also taking steps to file a complaint. He would further submit that other than the amount Rs.1,00,000/-, the petitioners do not have any claim, as against the de-facto complainant. The petitioner in Crl.O.P.(MD)No.21425 of 2022 has also filed an affidavit before this Court to that effect.

4.The learned Government Advocate (Crl.side) would submit that the petitioners are usurious money lender. The first accused has initially given an amount of Rs.1,00,000/- and taken back the amount. Subsequently, she had taken the de-facto complainant to one Chitra Hari and had taken an amount of Rs.2,00,000/- from her and compelled the de-facto complainant to pay daily interest and thereafter, the petitioners along with the accused had also harassed, assaulted and humiliated her, due to which, she consumed poison and she was admitted in the hospital.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Pudukottai, on condition that the petitioners shall execute bond for a sum of



Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

The affidavit filed by the petitioner in Crl.O.P.(MD)No.21425 of 2022 shall form part of this order.

sd/-

07/12/2022

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/01/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION, PUDUKKOTTAI DISTRICT.

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

ORDER IN

CRL.O.P(MD)Nos.21422 and
21425 of 2022

Date : 07/12/2022