



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P (MD) No.21440 of 2022

1.Karthick
2.Manoj
3.Kannan
4.Prabhu

... Petitioners/Accused No.1 to 4

-vs-

State represented by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Cr.No.382 of 2022)

... Respondent/Complainant

Abinaya

... Petitioner/Intervener/De-facto Complainant
in CRL MP (MD).15448/2022 in CRL OP (MD).21440/2022

PRAYER: Criminal Original Petition 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.382 of 2022 on the file of the respondent Police.

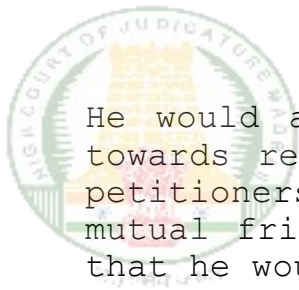
For Petitioners	: Mr.S.Ramsundarvijayraj, Advocate
For Respondent	: Mr.K.Sanjai Gandhi, Government Advocate (Crl.side)
For Intervenor	: Mr.R.Raja Selvam, Advocate

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 355, 362 and 506(ii) of IPC and Section of 4 of TNPCEI Act in Crime No.382 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to money dispute, the accused persons have threatened the de-facto complainant's husband and abused him in filthy language and abducted him in a car and had beaten him. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit on 25.10.2020, the de-facto complainant's husband had borrowed money from the first petitioner and towards security, he has issued a post dated cheque and executed a pronote and anticipating that the petitioners will present the cheque for collection, the de-facto complainant has given a false complaint.



He would also submit that a car was entrusted to the petitioners towards repayment of loan. However, to show their *bona fide*, the petitioners have handed over the car to the respondent through a mutual friend and the car is now parked in the Police Station and that he would seek for anticipatory bail.

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4.The learned Government Advocate (crl.side) would submit that the petitioners are usurious money lenders and they have given money to the de-facto complainant's husband and they have demanded exorbitant interest. They have also assaulted the de-facto complainant's husband and taken a car from his custody. He would oppose to grant anticipatory bail.

5.The learned Counsel for the intervenor would vehemently object to grant anticipatory bail to the petitioners and he would submit that the petitioners are usurious money lenders and they have given Rs.1,50,000/- to the de-facto complainant's husband and have taken back an amount of Rs.8,50,000/- and they have also taken the car belonging to the de-facto complainant and also assaulted the de-facto complainant's husband.

6.Heard the learned Counsel. Taking into consideration the facts and submissions and on perusing the materials available on record and also the fact that the car has been returned to the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Melur**, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each 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:

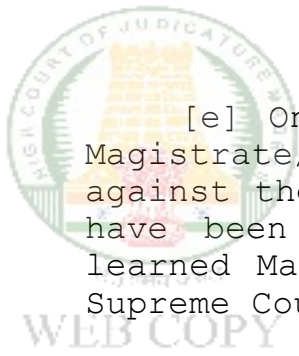
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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.

<https://www.mca.gov.in/judis>



[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.

sd/-

19/12/2022

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).324/2023 in CRL OP (MD).21440/2022 dated 10.01.2023

Further time granted by this court to comply with the condition is extended for a period of two weeks from the date of receipt of copy of this order.

/ TRUE COPY /

/02/2023

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

CMR

To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 28.12.2022

- 1 THE JUDICIAL MAGISTRATE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE, MELUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 4 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.S.RAMSUNDARVIJAYRAJ, Advocate (SR-469[I] dated 10.01.2023)

ORDER

IN

CRL OP(MD) No.21440 of 2022

Date :19/12/2022

RS/VR/SAR.2(27.12.2022) 3P-5C
RS/SSS/SAR.4(01.02.2023) 3P-7C