



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P(MD)No.1967 of 2023

S.Malaiyappan

...Petitioner/Sole Accused

-vs-

State Represented by  
The Inspector of Police,  
Panagudi Police Station,  
In Cr.No.30 of 2023  
Tirunelveli District

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.30 of 2023 on the file of the respondent Police.

For Petitioner  
For Respondent

: Mr.C.Susi Kumar  
: Mr.K.Sanjai Gandhi  
Government Advocate (Crl.side)

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### ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 309 IPC and Sections 3 and 4 of Exorbitant Interest Act, 2003 in Crime No.30 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Arumugam is that he had received an amount of Rs.20,000/- from the accused for his personal use and due to his family situation, he was unable to pay interest for 5 months and on 17.01.2023, at 4.30 p.m when he was in the place of employment the accused had gone there and abused the defacto complainant due to which his son ashamed and attempted to commit suicide by consuming pesticide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and a false complaint has been given. He would also submit that even as per the complaint the defacto complainant admitted that he has received a sum of Rs.20,000/- from the petitioner and further there is no allegation that the petitioner had demanded exorbitant interest from him. It is also the admission of the defacto complainant that due to his family situation he was unable to repay the amount and other than that no allegation attributed as against the petitioner. He would further submit that by given the criminal complaint the defacto complaintn has attempted to escape from payment to the petitioner. Hence, he

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4.The learned Government Advocate (crl.side) would submit that the petitioner had given a loan of Rs.20,000/- to the defacto complainant and due to the family situation, the defacto complainant was unable to repay the amount whereas the petitioner had abused the entire family members due to which the son of the defacto complainant had attempted to commit suicide by consuming poison. He would further submit that there is no case pending against the petitioner. He prays for dismissal of this application.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute 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 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 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 everyday at 10.30 a.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]**.

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

sd/-

01/02/2023

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



TO

1 THE JUDICIAL MAGISTRATE,  
VALLIYOOR.

2 DT THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE  
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT

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

+1 CC to M/s.C.SUSI KUMAR, Advocate ( SR-1731[I] dated 02/02/2023 )

ORDER

IN

CRL OP(MD) No.1967 of 2023

Date :01/02/2023

SS/CG/SAR I(08.02.2023) 3P 6C