



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7786 of 2023

Dhinesh,

... Petitioner/Accused No 2

Vs

The state rep by
The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli, Thanjavur District.
(Crime No.103/2023)..

... Respondent/Complainant

For Petitioner : M/s.Maheswaran R,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.103/2023 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 506(1) of IPC and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No. 103 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant borrowed a sum of Rs.5,00,000/- for interest from the first accused and he was paying the interest regularly. The first accused was in need of money and he started harassing the defacto complainant to return back the money. At this juncture the defacto complainant to settle the amount borrowed from the first accused again borrowed a sum of Rs.5 lakhs for daily interest and settled the first accused amount. The defacto complainant gave promissory note and Rs.100/- blank document for the said borrowal as surety and every month he paid Rs.75000/- as interest. Thereafter he sold a land and the debts and when he asked to return back the documents



which were pledged during borrowal the accused persons demanded money, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

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4. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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, Thiruvaiyaru, Thanjavur District 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 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 daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation. Further the petitioner is also directed to return the promissory note and Rs.100/- blank document to the defacto complainant.

[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/-
26/04/2023

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/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate, Thiruvaiyaru, Thanjavur
2. The Chief Judicial Magistrate, Thanjavur
3. The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli, Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.MAHESWARAN.R., Advocate (SR-6805[I] dated 27/04/2023)

ORDER
IN
CRL OP (MD) No.7786 of 2023

Date :26/04/2023

KB/AR/SII(28.04.2023) 3P 6C