



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2023

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PRESENT

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

CRL OP(MD) . No.8854 of 2023

1. Ushadevi,
2. Keerthiharan,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch(Dcb),
Madurai,
Madurai District.
(Crime No.13 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Poornachandran.S,
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.13 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 120 (B), 406, 420, 294(b) and 506(i) of I.P.C and section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No. 13 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.5,00,000/- from the first petitioner @5% interest per month and subsequently the complainant borrowed Rs.5 lakhs from the first petitioner as Thavanai. for which the first petitioner handed over only Rs.4,50,000/- after deducting interest.



Utilizing the said amount the complainant started Watercan and paid Rs.35,000/- towards interest and Thavanai. Subsequently the complainant borrowed Rs.10,00,000/- and Rs.5,00,000/- from the first petitioner for which the first petitioner collected cheques and pronotes from the first petitioner. Subsequently on 04.05.2022 the complainant borrowed Rs.10,00,000/- from the first petitioner. On 20.06.2022 the complainant borrowed Rs.10,00,000/- from the first petitioner, for which the first petitioner asked the complainant to bequeath the property and the same was also done. The registration fee was barred by the complainant. At the time of registration the petitioner also gave Rs.10,00,000/- to the complainant. Subsequently on 23.09.2022 borrowed Rs.10,00,000/- from the first petitioner. Thereafter on December 2022, the complainant settled all his debts towards the first petitioner. When the complainant approached the petitioner to convey the property, the same was refused by the first petitioner and asked the complainant to pay Rs.20,00,000/-. When the same was questioned by the defacto complainant he was threatened and criminally intimidated by the petitioners, hence the case.

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

4. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of civil dispute this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. Further till the completion of investigation the petitioners shall not disturb the peaceful possession and enjoyment of the subject property by the defacto complainant.



[c] the petitioners shall not tamper with evidence or 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.

sd/-
06/06/2023

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/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH(DCB), MADURAI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.POORNACHANDRAN, Advocate(SR-8161[I] dated
06/06/2023)

ORDER
IN
CRL OP(MD) No.8854 of 2023
Date :06/06/2023

PKP/MMS/SAR- /08.06.2023/ 3P/6C

<https://www.mhc.tn.gov.in/judis>