



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9207 of 2023

S.Eswaramoorthy

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Karur Town Police Station,
Crime.No.117 of 2023.

... Respondent/Complainant

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

For Respondent : MR.M.RMS.Sethuraman,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C., @ 306, 384 IPC r/w. Section 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.117 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased borrowed a sum of Rs.7,80,000/- from the petitioner and thereby, the petitioner used to demand his money and due that the deceased has committed suicide. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit the petitioner has not demanded any exorbitant interest from the deceased and he is ready to abide by any condition as imposed by



4. The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioner is a registered financier and the investigation of the case is almost over.

5. Taking into consideration the facts and circumstances of the case and also the fact that the investigation of the case is almost over, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate- I, Karur, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police twice a day daily at 10.30 a.m., and 5.30 pm for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

sd/-

25/05/2023

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/05/2023

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

TRP



TO

1 THE JUDICIAL MAGISTRATE - 1, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION, KARUR.

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

+1 CC to M/s.ALAGUMANI.R, Advocate (SR-7868[I] dated 25/05/2023)

ORDER

IN

CRL OP(MD) No.9207 of 2023

Date :25/05/2023

RS//SAR-(26.05.2023) 3P 6C