



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9563 of 2023

1. Elangavi @ Ilankavi

2. Gultheep Sethiya @ Kuldeep Sethia ... Petitioners/
Accused Nos.1&2

Vs

State Rep.by
The Inspector of Police,
Sholapuram Police Station,
Thanjavur District.
Crime No. 75 of 2023

... Respondent

For Petitioners : M/s.Rajesh.R,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

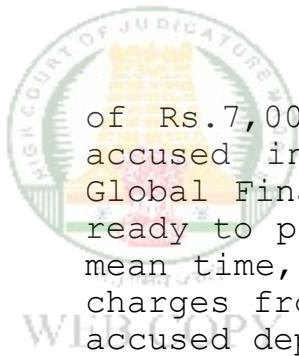
PRAYER :-

For Anticipatory Bail in Crime No.75/2023 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 294 (b), 120(b), 506(ii), 387 of I.P.C., and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 17 of TN Money Lenders Act, 1957 in Crime No.75 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in the year 2017, the complainant approached the first accused and asked hand loan



of Rs.7,00,000/- for his business purpose. Thereafter, the first accused introduced the second accused who is running a Sethiya Global Finance Limited, Chennai and the defacto complainant is also ready to pledge his property in favour of the said finance. In the mean time, the first accused received Rs.50,000/- for documentation charges from the defacto complainant. After registration, the second accused deposited Rs.5,00,000/- to the defacto complainant's account and thereafter, he paid the monthly interest to the 2nd accused without fail. On 29.06.2022, the defacto complainant paid entire interest and requested to cancel the pledge document, at that time, the petitioners are demanding further interest from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submits that the first petitioner has filed a petition under Section 138 of the Negotiable Instrument Act in S.T.C.No.91 of 2022 on the file of the Judicial Magistrate, Thiruthuraipoondi.

4. The learned Government Advocate(Cri.Side) appearing for the respondent would submit that investigation is pending.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case, 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 District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District, on condition that the petitioner 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 learned Magistrate concerned, 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 30 days and thereafter, as and when required for interrogation.



[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/-
25/05/2023

/ TRUE COPY /

/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
SHOLAPURAM POLICE STATION
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAJESH.R, Advocate (SR-7851[I] dated 25/05/2023)

ORDER
IN
CRL OP(MD) No.9563 of 2023
Date :25/05/2023

PKP/ /SAR- /26.05.2023/ 3P/6C

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