



CRL OP(MD). No.16706 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16706 of 2023

Subbaiah

... Petitioner/Sole Accused

Vs

**The State, represented by
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.400 of 2023).**

... Respondent/Complainant

**For Petitioner : Mr.K.Suyambulingabharathi, Advocate.
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)
For Intervenor : Mr.Selvakumar, Advocate**

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

PRAYER :-

For Anticipatory Bail in Crime No.400 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(ii) of

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I.P.C and 4 of Tamil Nadu Prohibition Charging Exorbitant Interest Act, in Crime No.400 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed the amount of Rs.32,000/- from the petitioner in the year of 2022, for which he has paid interest regularly. But he failed to pay interest for the last month (August 2023). Due to that, the defacto complainant was threatened by the petitioner with dire consequences and also he was abused using filthy language over phone. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. In order to escape from the repayment of loan, borrowed by the defacto complainant, the false complaint has been foisted against the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that there is no previous case pending against the petitioner.

5. The learned counsel for the intervenor would submit that originally the defacto complainant borrowed a sum of Rs.32,000/- from the petitioner and the above said amount was repaid at the monthly rate of Rs.3,200/- for about 10 months. After that the trouble arose between the parties claiming the principal amount of Rs.32,000/-.

6. In view of the collection of interest amount of Rs.32,000/- and also

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considering that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Rathapuram, Tirunelveli 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE,
RATHAPURAM, TIRUNELVELI DISTRICT.

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



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2 DO THROUGH;
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.SELVAKUMAR, Advocate (SR-13678[I] dated 14/09/2023)

ORDER
IN

CRL OP(MD) No.16706 of 2023

Date :14/09/2023

PKP/GB/SAR- /29.09.2023/ 3P/ 6C

Madurai Bench of Madras High Court is issuing certified
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