



CRL OP(MD)No.18518 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
CRL OP(MD)No.18518 of 2023

1.Manikandan
2.N.Mahadevan
3.Pandian

... Petitioners/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Thandikudi Police Station,
Dindigul District.
(Cr.No.156 of 2023)

... Respondent/Complainant

For Petitioners : Mr.S.Malaikani, 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.156 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.156 of 2023, seek



anticipatory bail.

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2.The case of the prosecution is that the defacto complainant borrowed loan for interest from the second petitioner and she handed over promissory note and land deed as security for the said loan amount. Thereafter, the defacto complainant repaid the entire loan and demanded to return the promissory note and land deed, but the petitioners herein refused to return the same and also threatened her. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that when the petitioners filed the present petition, no case was registered as against the petitioners. Now, case was registered as stated above. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the defacto complainant borrowed loan from the accused and handed over promissory note and land deed as security purpose. After repayment of the loan amount, the accused persons failed to return the above said promissory note and land deed. He would further submit that investigation in this case is not completed.

5.On perusal of records, it is noticed that the allegations levelled against the petitioners are purely civil in nature. It is also noticed that when this petition was



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filed, no case was registered as against the petitioners and they filed this petition at the stage of crime number not known. Now, the respondent police registered a case as against the petitioners in Cr.No.156 of 2023 for the offences under Sections 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

6.Considering the facts and circumstances of the case and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners 1 and 2 are having permanent residence at Madurai District and third petitioner is having permanent residence at Dindigul District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his



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roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Kodaikanal, Dindigul District on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix their photograph 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 trial Court on summons.

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



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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/-
17/10/2023

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/11/2023

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

gns
TO

1 THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, THANDIKUDI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-15299[I] dated 17/10/2023)



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ORDER

IN

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Date :17/10/2023

RS/VRS/SAR-(02.11.2023) 6P 6C

Madurai Bench of Madras High Court is issuing
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