



CRL OP(MD).No.2842 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.2842 of 2024

Rajadurai

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
In Crime No.203/2024..

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.203/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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08.02.2024 for the offence punishable under Sections 448 and 506(ii) IPC r/w.

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Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest, Act, 2003, in Crime No.203 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.5,00,000/- from the petitioner and the defacto complainant has given interest every week and unfortunately, he is unable to give the interest amount, due to which, the petitioner started demanding the outstanding interest and harassed the defacto complainant and threatened him with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that it is a money dispute and in order to wreck vengeance, the defacto complainant has made a false complaint. He would further submit that the petitioner has filed an affidavit of undertaking that he will not demand any amount from the defacto complainant in future. He would further submit that the petitioner is in judicial custody from 08.02.2024. Hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case, the period of incarceration suffered by the petitioner and the undertaking of affidavit filed by the petitioner that he will not demand any amount from the defacto complainant, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Papanasam**, and on further conditions that:

(a) 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m., till the completion of investigation.



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(c)the petitioner shall not tamper with 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 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/02/2024

/ TRUE COPY /

26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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TO
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- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2349[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2842 of 2024
Date :26/02/2024

SS/SAR- /26/02/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023