



CRL OP(MD). No.22554 of 2024

WEB COPY

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

Date : 02.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22554 of 2024

B.Mathankumar

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Bodinaickkanur Town Police Station
Bodinaickkanur
Theni District.
(Crime No.419 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Guhan, Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Criminal Side)

For Intervenor : Mr.C.Susikumar, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 419 of 2024 on the file of the respondent police.



CRL OP(MD). No.22554 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 329(4), 140(2), 351(2) of Bharathiya Nyaya Sanhita (BNS), 2023 and Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2023, in Crime No.419 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.2 lakhs, where the petitioner has imposed exorbitant interest and collected nearly a sum of Rs. 72,70,827/- from the defacto complainant. That apart, petitioner also kidnapped the defacto complainant and forcibly got sign in various blank papers and cheques.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case and considering the nature of allegations made against the petitioner which sounds improbable and also considering the fact that there are no previous cases against the petitioner and there is some business transaction between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CRL OP(MD). No.22554 of 2024

WEB COPY

5. 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 on which the order copy made ready, before the learned Judicial Magistrate, Bodinaickkanur, Theni 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 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 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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



CRL OP(MD). No.22554 of 2024

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

WEB COPY

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 269 of BNS, 2023.

sd/-
02/01/2025

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMA

To

1.The Judicial Magistrate,
Bodinaickkanur, Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Bodinaickkanur Town Police Station,
Bodinaickkanur, Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.GUHAN, Advocate (SR-9[I] dated 02/01/2025)



WEB COPY



CRL OP(MD). No.22554 of 2024

ORDER

IN

CRL OP(MD) No.22554 of 2024

Date :02/01/2025

ED/ /SAR- (07/01/2025) 5P / 6C

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