



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.1263 of 2016

1 DR.SHEELA JOY
2 JEBAKUMAR
3 SOLOMON

... PETITIONER(S) / ACCUSED Nos. 1 to 3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT,
CR NO. 30 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.THIAGARAJAN Senior Counsel for
M/S.R.SENTHIL KUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN Government Advocate (Crl. Side)

For Intervenor : M/S.M.SURESH Advocate for M/s. M.RAMAN Advocate

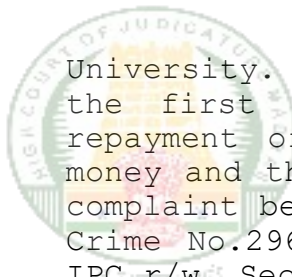
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323, 324, 506(i) and 109 of IPC, in Crime No.30 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, who are neighbours of the defacto complainant, borrowed a sum of Rs.9 lakhs from the defacto complainant and failed to repay the same. When the defacto complainant demanded the same, the first petitioner gave a false complaint against the wife of the defacto complainant and she obtained anticipatory bail. On 16.01.2016, when the defacto complainant contacted the third petitioner over phone demanding money, the third petitioner asked the defacto complainant to come to Rajampadi Bus Stop to receive the money. When the defacto complainant was standing in the Bus Stop, three identified and unknown persons attacked him and threatened him with dire consequences. Hence, a case has been registered for the offences stated above.

3. The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner was working as Chief Medical Officer at Madurai Kamaraj University Hospital, Madurai, for the past 20 years and her husband also working as a Chairperson in Bio-Technology Department at Madurai Kamaraj



University. For the medical expenses of her mother and her son's studies, the first petitioner borrowed money from 11 persons and even after repayment of the entire amount along with interest, they demanded more money and threatened the petitioners. Hence, the first petitioner gave a complaint before the respondent police and the same has been registered in Crime No.296 of 2015 for the offences under Sections 147 and 506(ii) of IPC r/w. Sections 3 and 4 of Exorbitant Interest Act.

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4. The learned Senior Counsel appearing for the petitioners submitted that the petitioners are respectable persons and they have been falsely implicated in this case.

5. The learned Government Advocate (Criminal side) submitted that the petitioners borrowed money from number of persons and did not repay the same and when the same was demanded by the defacto complainant, they threatened him with dire consequences and six cases are pending against the petitioners.

6. However, the learned Senior Counsel appearing for the petitioners submitted that all the incidents are subsequent to this incident.

7. Considering the facts and circumstances of the case and also the fact that some unidentified persons alleged to have threatened the defacto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.VI, Madurai, and on each of them 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 Magistrate concerned and on further condition that the petitioners 2 and 3 shall report before the respondent police daily at 10.00 a.m., until further orders. The first petitioner shall report before the respondent police, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners 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/-
27/01/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.VI, MADURAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION, MADURAI DISTRICT.

1 CC to M/S B. SENTHIL KUMAR Advocate SR.No. 4593.
<https://hcservices.ecourts.gov.in/hcservices/>
TS/29.01.2016/2P-6C/pm-mp/SAR II

ORDER IN
CRL OP(MD) No.1263 of 2016
Date :27/01/2016