



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16395 of 2017

REGINA,

... PETITIONER/ACCUSED
(SOLE ACCUSED)

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO.568 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate
For Respondent : MR.M.MURUGAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole Accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) of I.P.C. And Section 4 of TN Prohibition of Charging Exorbitant Act 2003, in Crime No.568 of 2017, 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.15,000/- from the petitioner in the year 2015, on condition that the defacto complainant has to pay a sum of Rs.1,500/- for every week as interest for the purpose of taking treatment since the defacto complainant is not able to pay for a period of three weeks interest thereby the petitioner used filthy language. Pursuance of that the defacto complainant consumed the poison (ant powder. Subsequently, a complaint was lodged by the defacto complainant under the Exorbitant Act.

3. The learned counsel for the petitioner would submit that the defacto complainant initially borrowed a sum of Rs.15,000/-and the defacto complainant paid the entire amount of Rs.18,000/- with interest and the petitioner did not claim any amount and he has also filed an affidavit to that effect:

" Further the petitioner submitted that pursuance of this moment I am coming forward to file this affidavit for making a sworn as that here in after I will not demand any principal amount in sum



of Rs.15,000/- as well as any interest as per complaint of defacto complainant because of that is settled due to much interest was collected from defacto complainant, so far as ready to waive the said disputed amount without any bad intension as well as any compulsion"

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Hence he prays for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that if the ready to waive the said disputed amount from the defacto complainant, this Court consider the anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side), I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court III, Thoothukkudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of four weeks, and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

13/12/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MOORTHY Advocate SR.No.36293

ORDER

IN

CRL OP(MD) No.16395 of 2017

Date :13/12/2017

SMA/PM-PN/SAR-1/19.12.2017:3P/6c