

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17351 of 2018

VASUMATHI,

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
S-15 SELAIYUR POLICE STATION,
CHENNAI.
CR.NO.765 OF 2018.

[RESPONDENT]

For Petitioner : M/S.P.VASANTH Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.765 of 2018 registered by the respondent police for the offence punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant one Vijayalakshmi is that she is an Architect by profession and that she has borrowed an amount of Rs.68,00,000/- from Prabhu (A1) and Karthik Raja (A2) and that she had, on various days repaid the amount totalling to Rs.1,02,00,000/-. However, the accused had not returned the documents and also demanded exorbitant interest. The further allegation is that they have also conducted a panchayat through the President of Traders' Association one Mageshwaran. Since she refused to pay the exorbitant interest, the accused had threatened to do away her along with the children of her sister, on the instructions of Prabhu (A1) and Karthik Raja (A2), . The further allegation is that the accused had repeatedly called her over phone and gave mental agony to her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent, she is a divorcee and she has been falsely implicated in this case. He would submit that even as per the FIR, the defacto complainant borrowed money to the tune of Rs.68,00,000/- from the other accused and that there was a money transaction and the demand was made by Prabhu (A1) and Karthik Raja (A2). He would further submit that the first accused has been arrested and enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is an associate to Prabhu (A1) and Karthik Raja (A2) and the allegation against her is that Prabhu (A1) and Karthik Raja (A2) lend money to the defacto complainant and that the petitioner had represented on behalf of Prabhu (A1) and Karthik Raja (A2) and threatened the defacto complainant to repay the amount. He would submit that the first accused has been arrested and enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. 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 learned Judicial Magistrate, Tambaram, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-15 SELAIYUR POLICE STATION,
CHENNAI.

+1 CC to M/S.P.VASANTH Advocate on payment of necessary charges
SR.NO.13086

CRL OP.17351/2018

Date :16/07/2018

TA-24/07/2018