



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2678 of 2018

1 T.ARULRAJ
2 JEYAVANI
3 VIDHYA

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT,
CR.NO.45/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.LAXMI MAHENDRAA Advocate
For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

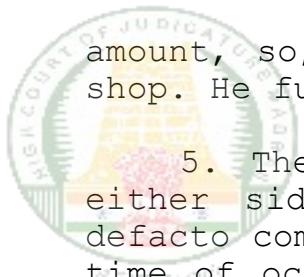
ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 420, 294(b) and 506(ii) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.45 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. The first petitioner borrowed a sum of Rs.10,90,000/- from the defacto complainant for the marriage of the third petitioner and thereafter, he did not return the money, when the defacto complainant demanded to return the money, the petitioners herein abused her by using filthy language and threatened her with dire consequences. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners and the defacto complainant are relatives; the first petitioner borrowed a sum of Rs.10,90,000/- from the defacto complainant; thereafter, for purchasing gold jewels worth about Rs.4,00,000/-, the defacto complainant stood as guarantor, thereby, A1 did not return the



amount, so, the defacto complainant paid the same to the jewellery shop. He further submitted that the investigation is going on.

5. The submissions made by the learned counsel appearing for either side are considered. Admittedly, the petitioners and the defacto complainant are the relatives. It is alleged that during the time of occurrence, for the jewel loan availed by the petitioners, the defacto complainant stood as guarantor. Furthermore, on 21.01.2016, the first petitioner executed two simple mortgage deeds in D.No.122/16 and 123/16 before the Sub-Registrar Office, Thisayanvilai in favour of the defacto complainant for consideration of Rs.2,50,000/- each. The execution of simple mortgage deed by the first petitioner shows that he is not having any dishonest intention to cheat the defacto complainant. Further more, the evidence to be collected in this case to complete the investigation are all in the form of registered documents. So, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Nanguneri, Tirunelveli District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders;

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

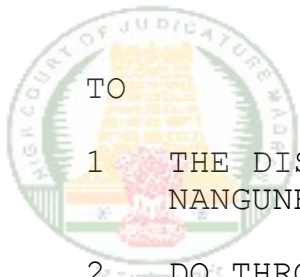
(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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].

sd/-

20/02/2018

/ TRUE COPY /



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.M.LAXMI MAHENDRAA Advocate SR.No.2730

ORDER

IN

CRL OP(MD) No.2678 of 2018

Date :20/02/2018

MKV-CM-VR-SAR 2/28.2.2018/3P-6C