



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

Tuesday, the Ninth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.343 of 2018

S. PREMALATHA

... PETITIONER/ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT
IN CRIME NO. 366/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SEVUGARAJA Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

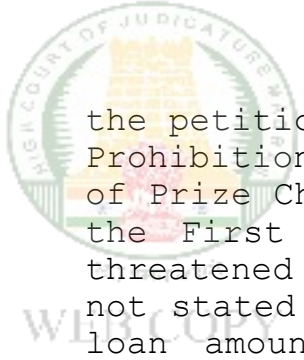
The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978, in Crime No.366 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had collected some amounts as exorbitant interest from 27 persons. Hence, the present complaint is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner had collected exorbitant interest from 27 persons. She further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against



the petitioner for the alleged offence under Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978. In the First Information Report, it is alleged that the petitioner threatened 27 families and collected exorbitant interest, but it is not stated in anywhere of the complaint about the date of receiving loan amount and also the date of paying the interest. Without mentioning any specific overact against the petitioner, the alleged complaint was given by the defacto complainant. For this type of offence, custodial interrogation of the petitioner is not necessary.

6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is 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 learned Judicial Magistrate, Nilakkottai, Dindigul District on condition that the petitioner 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 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., until further orders;

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

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

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-

09/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
NILAKKOTTAI, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION, DINDIGUL DISTRICT

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

+1. CC to M/S.R.SEVUGARAJA Advocate SR.No.372

ORDER

IN

CRL OP(MD) No.343 of 2018

Date :09/01/2018

SMA/RR/SAR-3/11.01.2018:3P/6c