



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3768 of 2018

1 SUBBULAKSHMI @ JAYARUTH
2 SUNDAR

... PETITIONERS/1ST AND 2ND ACCUSED

Vs

THE STATE REP BY ITS
THE SUB-INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.16 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.RAMESHARUMUGAM 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 :-

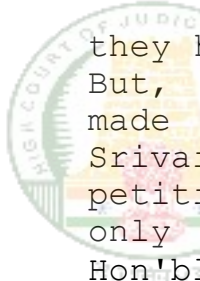
The petitioners, who are arrayed as accused nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 193, 294(b) and 506(ii) of IPC in Crime No.16 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner, who is the wife of the second petitioner after availing a loan of Rs.1,00,000/- from the Self Help Group, failed to repay the same. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioners are husband and wife. It is alleged that prior to the occurrence, the first petitioner being a member of the Self Help Group, availed a sum of Rs.1,00,000/- as a loan from the defacto complainant. Thereafter,



they have repaid a loan of Rs.60,000/- to the defacto complainant. But, in order to get the balance amount, the defacto complainant made a complaint before the learned Judicial Magistrate, Srivaikundam, therefore, a case has been registered against the petitioners. So, the entire facts and circumstances shows it is only a money transaction thereby, considering the verdict of the Hon'ble Supreme Court reported in **2006 (1) SCC (Cri) 746 in the case of Anil Mahajan Vs. Bhor Industries Ltd., and another**, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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 Judicial Magistrate, Srivaikundam, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall appear before the respondent Police daily 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (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 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]**.

sd/-
12/03/2018

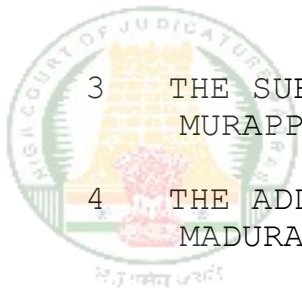
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.



3 THE SUB-INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.

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

WEB COPY

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.3888

TRP

CSL/CM-VR/SAR-III/16.03.2018 : 3P/6C

ORDER

IN

CRL OP(MD) No.3768 of 2018

Date :12/03/2018