



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.7249 of 2019

1 KALAVATHY
2 DHANALAKSHMI
3 SIVASANKARI
4 MANIMEKALAI

... PETITIONERS/ACCUSED Nos.2 TO 5

Vs

THE INSPECTOR OF POLICE,
CITY CRIME BRANCH POLICE STATION,
TRICHY CITY.
CRIME NO.21/2019

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.V.ILLANCHEZIAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

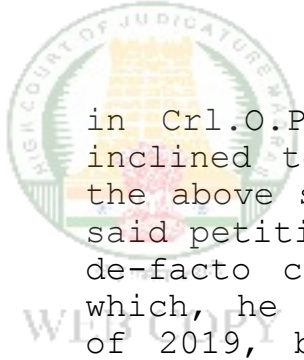
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who arrayed as Accused Nos.2 to 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 384, 506(ii) and 420 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Cr.No.21 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant for the purpose of establishing the Naturals Beauty Parlour at Madurai, borrowed a sum of Rs.32,00,000/- from A-1. Thereafter the amount was periodically paid to A-1 and further A-1 demanded exorbitant interest. Thereby, the de-facto complainant filed a complaint before the respondent police, implicating the petitioners along with A-1.

3.The learned counsel appearing for the petitioners would submit that on an earlier occasion, the petitioner filed a petition



in Crl.O.P.(MD)No.5505 of 2019, subsequently, this Court is not inclined to grant anticipatory bail, the learned counsel withdraw the above said petition. Subsequent to the withdrawal of the above said petition, there was a compromise in between the petitioners and de-facto complainant and agreed to settle the issue amicably for which, he filed a compromise quash petition in Crl.O.P.(MD)No.6240 of 2019, before this Court and the same is pending. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would also accept the subsequent fact that a compromise quash petition is pending between the parties. Hence, this Court may pass appropriate orders.

5.Considering the facts and circumstances of this case and considering the fact that the petitioners and the de-facto complainant entered into compromise, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.II, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b))the petitioners shall report before the respondent police as and when required for interrogation;

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

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

(e)on breach of any of the aforesaid conditions, 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
16/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. II,
TRICHY
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION,
TRICHY CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V. ILLANCHEZIAN Advocate SR.No.8584

ORDER
IN
CRL OP (MD) No.7249 of 2019
Date : 16/05/2019

SJI
PK/PN/SAR-2/17.05.2019 : 3P/6C