

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7273 of 2019

K. PARVATHI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
IN CRIME NO.136 OF 2019.
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.MARAN Advocate

For Respondent : MR.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) and under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 @ 306 of I.P.C., in Crime No.136 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Appadurai borrowed a sum of Rs.2,50,000/- from the petitioner's husband. Thereafter, since the deceased did not pay the loan amount properly, the petitioner and her husband is said to have threatened the deceased. Hence, on 23.04.2019, the deceased committed suicide. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution.

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

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that before the

occurrence, the petitioner and other accused demanded the deceased to pay exorbitant interest. Resultantly, the deceased committed suicide. Now, as per the submissions of the learned Counsel appearing for the petitioner, before the occurrence, the husband of the petitioner issued a legal notice under Section 138 of NI Act, for the purpose of initiating criminal proceedings against the deceased. Except that no suicide note was recovered by the investigating officer. It appears that the husband of the petitioner and the deceased were having financial transactions. In the said circumstances, nothing has to be recovered by way of custodial interrogation. Moreover, the transaction has happened only between the husband of the petitioner and the deceased. So, on considering the said facts and circumstances, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, 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 as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner shall appear before the respondent police daily 10.00 a.m., until further orders;

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

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(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 petitioners 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]**.

sd/-

29/05/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

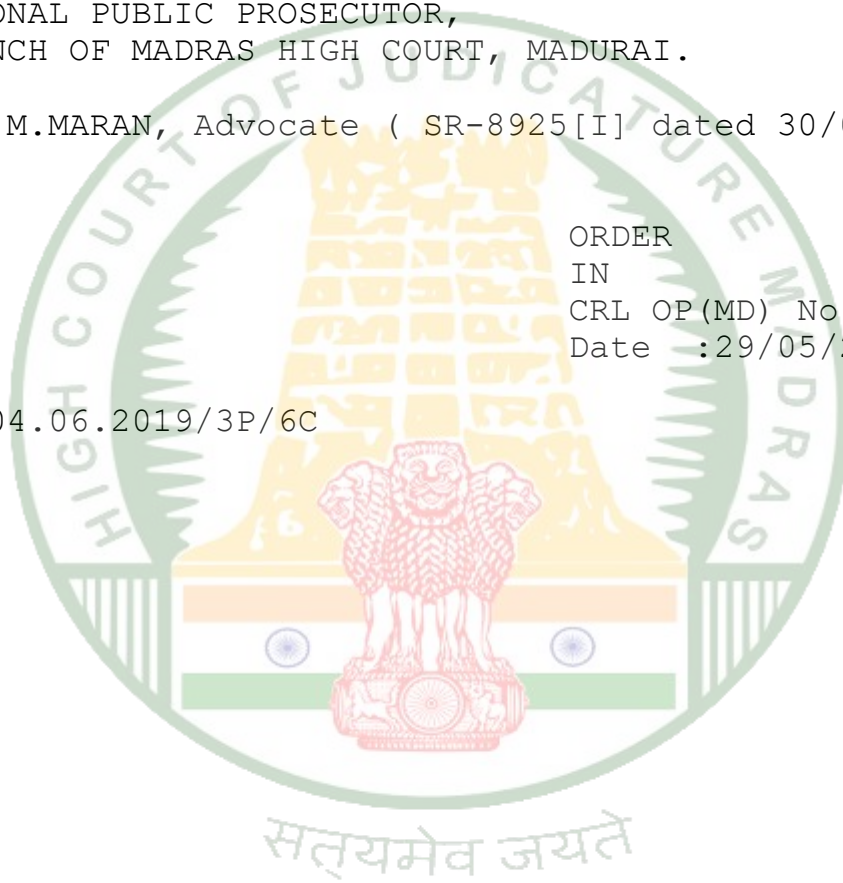
3 THE SUB INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.MARAN, Advocate (SR-8925[I] dated 30/05/2019)

ORDER
IN
CRL OP(MD) No.7273 of 2019
Date :29/05/2019

JM/PN/SAR 2/04.06.2019/3P/6C



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