



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

Date : 21/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8058 of 2019

B. Ganeshwari,

... Petitioner/Sole Accused

Vs

The Inspector of Police,,
Thirunagar Police Station,
Thirunagar,
Madurai,
Crime No.199/2019.

... Respondent/Complainant

For Petitioner : M/s.A.Marthanda Varman,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor,

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

PRAYER :-

For Anticipatory Bail in Crime No.199/2019 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.199 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and she has been falsely implicated in the above case. He further submitted that the petitioner already lodged a complaint against the defacto complainant and the same was registered in Crime No.459 of 2015 under Sections 294(b) and 506(i) of IPC and Sections 3 and 4 of Tamil Nadu Exorbitant Interest Act and after investigation charge



sheet filed in C.C.No.248 of 2018 on the file of the learned Judicial Magistrate No.VI, Madurai and as a counter blast, the defacto complainant has lodged a false complaint stating that the petitioner herein has borrowed some amount from the defacto complainant, but, she failed to repay the amount. Actually, the petitioner herein has not borrowed any amount from the defacto complainant and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that on 19.03.2012, the petitioner has executed a document and borrowed a sum of Rs.1,00,000/- from the defacto complainant and subsequently, he did not repay the said amount and hence, he strongly opposed the petition.

5.Taking into consideration of the aforesaid fact and also the fact that the dispute with regard to money transaction, already based on the complaint given by the petitioner a case was registered against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the the petitioner shall report before the respondent police daily at 09.00 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) On breach of any of the aforesaid conditions, 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 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].



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

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
THIRUNAGAR, MADURAI,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MARTHANDEVARMAN, Advocate (SR-10355[I] dated
24/06/2019)

ORDER
IN
CRL OP(MD) No.8058 of 2019
Date :21/06/2019

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AE/PN/SAR-IV (28.06.2019) 3P 6C