



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

Tuesday, the Fifth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.834 of 2019

SELVI

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.MOHIDEEN BASH, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

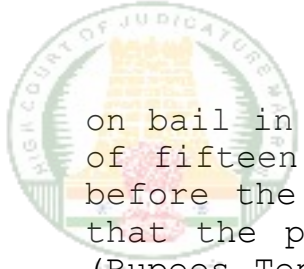
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 506 (1) I.P.C. And Section 4 of the Prevention of Tamil Nadu Charging of Exorbitant Interest Act in Cr.No.13 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant availed a sum of Rs.2,20,000/- (Rupees Two Lakhs and Twenty Thousand only) as loan from the petitioner. At that time, the defacto complainant and his Women committee Members gave a cheque leaf and promissory note to the petitioner as Security. The defacto complainant would settle the loan amount in monthly instalment as 2% interest. But the petitioner demanded the interest at the rate of 10%. Hence, the complaint.

3.The learned counsel appearing for the petitioner on instructions would submit that the petitioner is ready to disown the amount advanced in favour of the defacto complainant and also submit that she will not claim any amount from the defacto complainant.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5.Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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, Thirumangalam, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

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

(d) the petitioner 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 petitioner 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.

sd/-

05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.SIVAPRAKASH Advocate SR.No.2420

ORDER IN

CRL OP(MD) No.834 of 2019

Date : 05/02/2019