



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

Tuesday, the Fifth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.18782 of 2018

P. THAMARAISELVI

... PETITIONER / SOLE ACCUSED

Vs

THE THROUGH STATE REP. BY

1 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI RANGE, MANAPPARAI,
TRICHY DISTRICT.

3 THE COMMISSIONER OF POLICE,
KOLKATTA.

4 THE INSPECTOR OF POLICE,
SHAKESPEARE POLICE STATION,
KOLKATTA.

5 L & T FINANCE
HAVING ITS OFFICER AT
L & T FINANCE LIMITED,
2/1, RUSSEL STREET 4TH FLOOR,
KANKARIA CENTRE, KOLKATA.

... RESPONDENTS / COMPLAINANTS

For Petitioner : MR.A.RAHUL Advocate

For Respondent 1 & 2 : 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 apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 120(b) IPC in Crime No.31019 of 2018 on the file of the learned Chief Judicial Magistrate, Kolkata, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner having availed a loan from the fifth respondent had defaulted in payment and hence, a private complaint has been lodged by the fifth respondent and summons was also issued to the petitioner for her appearance. Therefore, the petitioner has come out with the present petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner is residing at the first respondent territorial jurisdiction. Therefore, she apprehends arrest by the first respondent.

4.The learned Government Advocate (Crl.Side) would submit that the offence had taken place within the jurisdiction of Kolkata State and this Court has no territorial jurisdiction to grant anticipatory bail. However, temporary anticipatory bail may be granted to enable the petitioner to move an appropriate petition before the territorial jurisdiction Court.

5.The learned counsel for the petitioner relied on two judgments reported in **2013(2) MWN (Cr.) 109 (Sarvadhikari v.State of Kerala)** and **2007 (1) MLJ (Cr.) 729 (S.S.Sambandan V.Inspector of Police, Coimbatore City and another)** and in the judgment of the Division Bench reported in **1992 L.W. (Crl.) 475 (S.P.Shanthi Swaroop Vs.State of Tamil Nadu)**, it is held as follows:

"For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 of Cr.P.C., to grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioners available for interrogation by the concerned police in the mean time. The reference is answered accordingly."

6.In view of the judgment of the Division Bench referred to above and the orders passed by this court and considering the facts and circumstances of the case, without deciding the merits and demerits on the complaint, this Court is inclined to grant temporary anticipatory bail to the petitioner for a period of eight weeks to enable him to move an appropriate petition for anticipatory bail before the territorial jurisdiction Court. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate, Manaparai, Trichy District and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 a.m.

sd/-

05/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPARAI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI RANGE, MANAPPARAI,
TRICHY DISTRICT.
- 5 THE COMMISSIONER OF POLICE,
KOLKATTA.
- 6 THE INSPECTOR OF POLICE,
SHAKESPEARE POLICE STATION,
KOLKATTA.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.RAHUL Advocate SR.No.45043

ORDER

IN

CRL OP(MD) No.18782 of 2018

Date :05/02/2019

JM/PN/SAR 3/22.02.2019/3P/9C