



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

Wednesday, the Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20492 of 2018

BOOMA DEVI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 122 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.SENTHIL KUMAR Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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 offences punishable under Section 420 of IPC in Cr.No.122 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was running an unregistered chit for monthly instalment of Rs.5000/- for a period of 12 months. The defacto complainant also joined the chit and paid a sum of Rs.5000/- per month to the petitioner. In the eighth month prize was allotted in favour of the defacto complainant, but the petitioner did not repay the amount. The defacto complainant gave a complaint to the respondent and the respondent enquired the defacto complainant. During enquiry the petitioner assured to repay the amount to the defacto complainant, but he did not repay the amount as assured by her. When the petitioner was called for enquiry before the Superintendent of Police, Rameshwaram she had given a undertaking that she will settle the amount in two instalments during the first month of 2018 and the seventh month of 2018, till now she has not settled the amount.

3. The learned counsel for the petitioner would submit that the defacto complainant is a financier. The petitioner had received a sum of Rs.5000/- from him and she had paid the amount. Now he is demanding more money and foisted a false case against her. The



petitioner was summoned and under the guise of enquiry she was called to the police and she has been forced to put her signature in the blank papers as if she has borrowed the amount.

4. The learned Government Advocate (Crl. Side) would submit that though they have conducted enquiry they have not taken any steps against the petitioner. He would also submit that investigation is pending and so far two witnesses have been examined.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Rameswaram on condition that the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2019

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TO

1 THE JUDICIAL MAGISTRATE,
RAMESWARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.B.SENTHIL KUMAR Advocate SR.No.64

PS/JC/SAR-3/07.01.2019/3P/6C

ORDER

IN

CRL OP(MD) No.20492 of 2018

Date :02/01/2019