

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14511 of 2020

Vasantha @ Vasanthi

... Petitioner

Vs.

State Rep. By,

... Respondent

The Inspector of Police,
Thirupathur Town Police Station,
Vellore District.
Crime No.1360 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Crime No.1360 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 386 of IPC r/w. Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2013, r/w Section 294(b), 506(ii) of IPC, in Crime No.1360 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that her husband had borrowed a sum of Rs.3,50,000/- from the petitioner and others persons and he was regularly paying the interest to the petitioner. Due to Corona pandemic situation, he was unable to repay the amount to the petitioner. Thereafter, the petitioner had came to her house and insisted her husband to pay the principal as well as interest and abused him in filthy language and also threatened him in the presence of others. Due to this harassment, the de-facto complainant's husband consumed acid and was admitted in the hospital. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A1 in this case. He would further submit that the de-facto complainant's husband borrowed money from the petitioner and agreed to repay the same with interest. When the petitioner approached him for repayment of the said amount, in order to escape from the liability, she foisted a false complaint against the petitioner. He would further submit that the petitioner without prejudice to her contention has filed an affidavit before this Court wherein, she had given an undertaking that in the event of her being granted anticipatory bail, she will not insist for return of Rs.3,50,000/- given to the husband of the de-facto complainant. He would further submit that the co-accused namely, A2, A4 to A6 were granted anticipatory bail by this Court in CrI.O.P.No.11620 of 2020 dated 04.08.2020, in CrI.O.P.No.10843 of 2020 dated 22.07.2020 and in CrI.O.P.No.10776 of 2020 dated 23.07.2020 respectively. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A1. The accused have lent money to the husband of the de-facto complainant and during Covid-19 pandemic situation, he was unable to repay the interest. The petitioner along with the other accused had abused the de-facto complainant and also intimidated him and due to which, the husband of the de-facto complainant consumed some Acid. Now, the injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The affidavit by the petitioner shall form part of the Court's record.

6. Considering the above facts and circumstances of the case and the affidavit of the petitioner, this Court is inclined to grant anticipatory bail within certain conditions:

7. Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.II, Thirupathur, on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 everyday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

28/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.II,
THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.14511/2020

Date :28/09/2020