



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

Date : 14/02/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.2656 of 2020

A.Carolin Shobana

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
Crime No.759 of 2019

... Respondent/Complainant

For Petitioner : M/s.P.Krishnasamy,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.V.Malaiyendran, Advocate

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

PRAYER :-

for Anticipatory Bail in Crime No.759 of 2019 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the
learned counsel for the defacto complainant and the learned
Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 406,
420 of I.P.C., in Crime No. 759 of 2019 on the file of the
respondent police, seeks anticipatory bail.

3. The learned counsel for the petitioners would point out that
the petitioner and the wife of the defacto complainant are
colleagues. Both are teachers by avocation. According to the
petitioner, the petitioner had borrowed a certain sum of money from
the defacto complainant and his wife. But then she had returned the



same. The petitioner had also filed a petition under the provisions of Tamil Nadu Prohibition of Charging exorbitant interest Act. The defacto complainant's wife have filed a civil suit in O.S.No.145 of 2019 before the V Additional District Judge, Madurai, seeking recovery of a sum of Rs. 35,38,750/-.

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4.The petitioner's case is that the defacto complainant had managed to get her signatures under coercive circumstances and based on the same, this First Information Report has been registered.

5.The learned counsel for the petitioner would draw my attention to the decision of the Hon'ble Supreme Court made in Crl.A.No.418 of 2009 reported in (2009) 12 SCC 721 in the case of **Ramathal and others Vs. Inspector of Police and another** dated 03.03.2009 and S.L.P. In Crl.A.No.7281 to 82 of 2017. According to him, the case on hand rests entirely on documents and that they are civil in name and that therefore this Court ought to grant anticipatory bail to the petitioner. He wanted this Court to bear in mind the fact that the petitioner is a school teacher and she is a women aged about 52 years. Therefore, the question of absconding does not arise.

6.Eventhough, the submissions of the learned counsel for the petitioner are sound and attractive, I have to necessarily take note of the conduct of the petitioner. Admittedly, the petitioner along with A2 and A3 filed Cr.M.P.No.5025 of 2019 before the Principal Sessions Judge, Madurai. The learned Principal Sessions Judge, Madurai, by order dated 14.10.2019 granted interim anticipatory bail to the petitioner as well as the other two accused on their submitting a Demand Draft for a sum of Rs.5 Lakhs each in the name of the defacto complainant. The petitioner challenged the condition imposed in the said order by filing a Criminal Original Petition in Crl.O.P.(MD)No.16540 of 2019. The said Criminal Original Petition was listed before me on 30.11.2019. I directed the listing of the said petition before the concerned portfolio judge and directed that the time limit imposed by the Court below will not be deemed to expire till the disposal of the Criminal Original Petition in Crl.O.P.(MD)No.16540 of 2019.

7.It was listed before the other learned Judge on 12.12.2019, the matter was referred to mediation but the mediation talks failed. The matter was again listed before the concerned Judge on 24.01.2020. Due to certain reasons, the learned Judge was not inclined to take up the matter for disposal. The case was listed before another judge on 13.02.2020. In the meanwhile, the case was listed before the learned Principal Sessions Judge on 11.02.2020 and the matter was dismissed for non prosecution. Since the main Petition itself suffered a dismissal for non prosecution, the petitioner did not deem it fit to prosecute the petition in Crl.O.P.(MD)No.16540 of 2019 and withdrew the same.



8.In as much as condition was imposed by the learned Principal Sessions Judge in the petition for anticipatory bail filed by the petitioner herein. In as much as the same was put to challenge before this Court. I am of the view that the petitioner will have to necessarily work out his remedy before the learned Principal Sessions Judge, Madurai.

9.With liberty to move the very same learned Judge, this Criminal Original Petition is disposed of.

10.The petitioner is given time till 20.02.2020 for moving the learned Principal Sessions Judge, Madurai. The respondent will not arrest the petitioner till then.

sd/-
14/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE PRINCIPAL SESSIONS JUDGE,
MADURAI.

2.THE INSPECTOR OF POLICE,
KOODALPUDUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-3208[I] dated
14/02/2020)

ORDER
IN
CRL OP(MD) No.2656 of 2020
Date :14/02/2020

PNN
TK/PN/SAR.4/25.02.2020/3P/5C