



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

Date : 28/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) .No.11812 of 2020

Sarashvathi

... Petitioner

Vs

The Inspector of Police,
E-2, Mathichiyam Police Station,
Madurai District.
Crime No.1361 of 2020.

... Complainant

For Petitioner : Mr.P.Senthilkumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

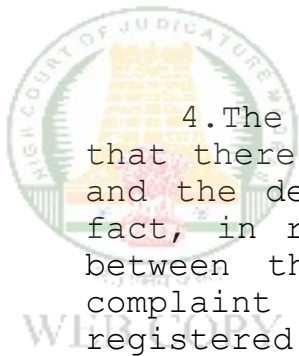
For anticipatory bail in Crime No.1361 of 2020 on the file of the inspector of Police.

ORDER : The Court made the following order :-

The petitioner, who is the accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 506(i)IPC., and Section 4 of the Tamil Nadu Charging Exorbitant Interest Act, in Crime No.1361 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused are friends and living in the same locality. While being so, the defacto complainant borrowed a loan from the petitioner by pledging her jewels. After repayment of the entire payment, the petitioner did not return back the jewels and demanded huge interest. Hence the case has been registered.

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



4.The learned Counsel appearing for the petitioner submitted that there is absolutely no loan transaction between the petitioner and the defacto complainant since they are very close friends. In fact, in respect of taking property on lease, there was a dispute between them in respect of which the petitioner also lodged a complaint as against the defacto complainant and the same was registered in Crime No.1362 of 2020 for an offence under Sections 406, 420, 506(i), 294(b) IPC. Therefore, the entire allegations are false and a false case has been foisted against the petitioner herein.

5.The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the has refused to return back the jewels and demanded huge interest. This is a case and case in counter.

6.It is seen that the petitioner has also lodged a complaint as against the defacto complainant and the same was registered in Crime No.1362 of 2020 for offence under Sections 406, 420, 506(i), 294(b) IPC. In respect of the complaint as against the petitioner herein is that the petitioner lend a loan to the defacto complainant and thereafter demanded exorbitant interest.

7.Considering the nature of the allegation and counter complaint lodged against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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 to 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 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 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE
E2 MATHICHIYAM POLICE STATION,
MADURAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11812 of 2020
Date : 28/10/2020

VSD
PK/SMA/SAR-IV/03.11.2020 : 3P/5C