



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

Date : 17/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)Nos.4102 & 4103 of 2021

WEB COPY

Thangammal

... Petitioner/Accused No.3
in both Crl.OPs.

Vs

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.

Cr.Nos.328 & 329 of 2020.

... Respondent/Complainant
in both Crl.OPs.

For Petitioner : M/s.Niranjana.S.Kumar,
(in both Crl.OPs.) Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
(in both Crl.OPs.) Government Advocate (Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.,

COMMON PRAYER :-

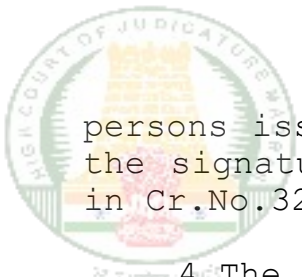
For Anticipatory Bail in Crime Nos.328 & 329 of 2020 on the file
of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
420 IPC in Crime Nos.328 & 329 of 2020, seeks anticipatory bail.

2.The case of the prosecution in Crl.O.P.(MD) No.4102 of 2021
is that the accused persons approached the defacto complainant and
requested him to join in chit and he also accepted to pay
Rs.25,000/- chit for a period of 20 months. After paying the entire
chit, when the defacto complainant demanded Rs.10,00,000/-, they
have not paid. Thereafter, A1 and A2 in this case said to have
issued a cheque for a sum of Rs.5 Lakhs and when it was submitted in
the bank, it was returned as "insufficient fund". Hence, the
defacto complainant again demanded a sum of Rs.10 Lakhs and
therefore, all the accused said to have criminally intimidated the
defacto complainant. Hence, the complaint in Cr.No.328 of 2020 came
to be registered.

3.The case of the prosecution in Crl.O.P.(MD) No.4103 of 2021
<https://hcservices.ecourts.gov.in/hcservices/>
is that the defacto complainant in this case paid a sum of
Rs.1,13,000/- for chit. When the amount was demanded, the accused



persons issued a cheque and the same was also returned stating that the signature found in the cheque is varied. Hence, the complaint in Cr.No.329 of 2020 came to be registered.

4.The learned counsel for the petitioner submitted that both the defacto complainants received money from A2 and they demanded exorbitant interest. In this regard, A2 gave a complaint on 06.01.2020 to the respondent police and thereafter, on 27.01.2020 another complaint was given to the Commissioner of Police. After giving complaint by A2, the defacto complainants gave complaints before the learned Judicial Magistrate No.II, Madurai under Section 156(3) Cr.P.C., and the same was forwarded to the respondent police and these cases came to be registered. Thereafter, on 11.12.2020, the respondent police took A1 and A2 for enquiry and they did not send them back. Hence, the daughter of A1 and A2, gave a complaint in this regard. He further submitted that the petitioner herein is the mother of A1 and aged about 66 years and she is nothing to do with the alleged transaction. Hence, he prayed for granting anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.side) submitted it is a case of monetary dispute and he sought time to get instructions. However, this matter was listed for the second time and even in the last hearing, the learned Government Advocate sought time to get instructions.

6.It is seen from the submissions made that A1 and A2 were arrested in these two cases and subsequently released on bail. The petitioner herein is only the mother of A1 and there is no specific overt act against her. Considering the above facts and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days 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 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 respondent police as and when required.

[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/-
17.04.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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,
THALLAKULAM POLICE STATION,
MADURAI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-3232[I] dated 20/04/2021)