



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

Date : 08/06/2021

PRESENT

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

CRL OP(MD) . No.7392 of 2021

Lakshmi Kanthan

... Petitioner/1st Accused

Vs

The State represented by
the Inspector of Police,
PETTAI Police Station,
Tirunelveli City.
Crime No.171/2021.

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Counsel (Crl.Side)

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

PRAYER :- For Anticipatory Bail in crime no.171/2021 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel on either side.

2.The petitioner apprehends arrest at the hands of the
respondent police for the offence punishable under Sections 294(b)
and 506(i) of IPC r/w Section 4 of Tamilnadu Prohibition of
Harassment of Woman Act and Section 4 of Tamilnadu Prohibition of
Charging of Exorbitant Interest Act in Crime No.171 of 2021 on the
file of the respondent police and seeks anticipatory bail.

3.The petitioner's counsel would state that the defacto
complainant was a participant in a chit group run by the petitioner
and that after taking the prize money, she had not cleared the
liability. The petitioner insisted for repayment of the money taken
by the defacto complainant. But, she chose to give the present
complaint as if the petitioner is charging exorbitant interest.

4.The learned Government Counsel for the respondent would state
that the petitioner is having one previous case. That is relating to
CD piracy and it is not arising under the Tamilnadu Prohibition of
Charging of Exorbitant Interest Act.



5.Considering the overall facts and circumstances of the case, I am of the view that this is a case, in which, the arrest of the petitioner is not going to serve any purpose. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate-V, Tirunelveli and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2021

/ TRUE COPY /

/ /2021

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.

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- TO
- 1.THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
 - 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
PETTAI POLICE STATION, TIRUNELVELI.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-3889[I] dated 09/06/2021)

ORDER
IN
CRL OP(MD) No.7392 of 2021
Date :08/06/2021

MM
AE/MNR/SAR-1/11.06.2021/3P/6C