



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9957 of 2021

1. Gowsalya Devi,
W/o. Muruganantham,
Kasthuribai Nagar,
Melur Town,
Madurai District.

2. Muruganantham,
S/o. Maruthamuthu,
Kasthuribai Nagar,
Melur Town,
Madurai District.

3. Murugesan,
S/o. Venktachalam,
Vathalakundu,
Dindigul District.

... Petitioners/Accused No. 1 to 3

Vs

State rep by
Inspector of Police,
Melur Police Station,
Madurai District
(Crime No.466 of 2021).

... Respondent/Complainant

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

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.466 of 2021 on the file of
the Respondent Police

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 294(b), 506(i) IPC and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, seek anticipatory bail.

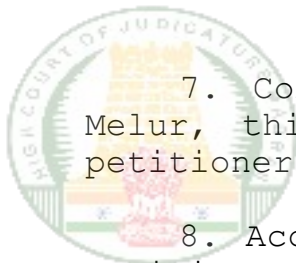
2. The case of the prosecution is that in the year 2019, the defacto complainant borrowed a sum of Rs.3,00,000/- with interest at the rate of 3.50 paise and she paid Rs.35,000/- every month to the accused with interest. From March 2020, due to the pandemic situation and due to her ill-health, she was not able to pay the amount. Therefore, the accused persons abused her in filthy language and threatened her with dire consequence. Thereafter, the accused persons took her property document as well as her brothers and sisters' property document and also took nine cheque leaves and original document of her scooter. Hence, the complaint.

3. The learned counsel for the petitioners submits that originally, the first petitioner had entered into a lease agreement with the defacto complainant on 24.01.2020 and she paid a sum of Rs.5,50,000/- for the lease of the defacto complainant's house. After entering into the agreement, the defacto complainant sought time to hand over the possession of the lease property. Thereafter, due to the Covid-19 lockdown, the defacto complainant refused to hand over the possession of the lease property. Though the first petitioner requested her to return the lease amount, she refused to repay the same, but has lodged a false complaint as against the petitioner.

4. Considering the rival submissions, this Court, vide order dated 11.08.2021, directed the respondent Police to conduct enquiry and file a report as to the allegations levelled against the petitioners.

5. Pursuant to the direction of this Court, the Inspector of Police, Melur, filed a report that the petitioners and the defacto complainant are living in the same street. The first petitioner and the defacto complainant are also members of the Women Self-Help Group and they also maintained a good friendship. In the year 2019, by leasing out her house, the defacto complainant has received a sum of Rs.3,00,000/- from the petitioner. Apart from that, the defacto complainant also borrowed money from most of the people from that street. The defacto complainant is in the habit of intimidating her lenders that if they insist for repayment of money, she would foist a complaint for collecting exorbitant interest.

6. The Investigating Officer further stated that after the complaint, the defacto complainant did not co-operate with the Investigating Agency and did not appear for enquiry conducted on 09.07.2021 and she also switched off her cell phone.



7. Considering the report filed by the Inspector of Police, Melur, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the Criminal Original petition is allowed. The petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
03/09/2021

/ 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.



TO

1. THE JUDICIAL MAGISTRATE,
MELUR.

2. DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI
DISTRICT.

3. INSPECTOR OF POLICE

MELUR POLICE STATION, MADURAI DISTRICT

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

+1. CC to M/S.KARTHICK P Advocate SR.No.6000

ORDER

IN

CRL OP(MD) No.9957 of 2021

Date :03/09/2021

MGJ(08.09.2021)/SKN/SAR1 4P 6C