



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12331 of 2021

Sundari

... Petitioner/Sole Accused

Vs

State represented by
The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.355 of 2021.

... Respondent/Complainant

For Petitioner : MR.KARTHIKEYAVENKATACHALAPATHY,
Advocate.

For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

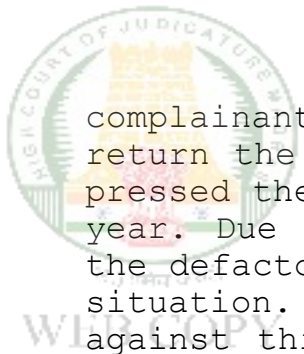
PRAYER :-For Bail in Crime No.355 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 30.07.2021 for the offences under Sections 306 and 116 I.P.C and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime.No.355 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.60,000/- from this petitioner and she has repaid a sum of Rs.6,000/- as monthly interest for the past one year. Due to Covid-19, the defacto complainant was unable to get any work and therefore, she has not paid interest for the past eight months. In this circumstance, the petitioner demanded to pay a sum of Rs.1,08,000/- with exorbitant interest, tortured her and also threatened her with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is a widow and she is not doing money lending business and she never threatened the defacto complainant and her



complainant obtained hand loan from the petitioner and did not return the money. Due to Covid-19 situation, the petitioner has not pressed the defacto complainant for return of money for the past one year. Due to the acute financial crises, the petitioner approached the defacto complainant for return of money by expressing her family situation. But, the defacto complainant has foisted a false case against this petitioner as if she demanded exorbitant interest. He would further submit that the petitioner is ready to file an undertaking affidavit before the respondent police as well as before the trial Court that she will not indulge in any other offences in future. Since the petitioner is in jail from 30.07.2021, prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the final report is yet to be completed.

5. Taking into consideration of the facts and circumstances of the case, the fact that the petitioner is ready to file an affidavit of undertaking before the respondent police as well as before the trial Court that she will not indulge in any other offences in future, the status of the petitioner being a widow aged about 52 years and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate No.II, Srivilliputhur and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an affidavit of undertaking before the respondent police as well as before the trial Court that she will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/08/2021

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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,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE,
SRIVILIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12331 of 2021

Date :27/08/2021

MSA

MK/PN/SAR.IV/27.08.2021/3P/6C