



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17096 of 2021

Sivasakthi

... Petitioner/Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Kadambur Police Station,
Kadambur, Thoothukudi District.
Crime No.84 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.V.Subhapriya,
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.84 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) of IPC, 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.84 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed money from the accused for business in the year 2016 and she paid interest for the borrowal amount. However, the accused demanded more money from the defacto complainant and threatened her personally over phone. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and the defacto complainant are friends and on verification, it was found that the petitioner is not in the habit of collecting ex-orbitant interest.

5. Considering the nature of allegation against the petitioner and the fact that the petitioner is not in the habit of collecting ex-orbitant interest, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/11/2021

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/ /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 NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAMBUR POLICE STATION, KADAMBUR,
THOOTHUKUDI DISTRICT.

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

+1 CC to Mr.J.PAREKH KUMAR, Advocate (SR-7803[I] dated 02/11/2021)

ORDER

IN

CRL OP(MD) No.17096 of 2021

Date :02/11/2021

ssb

MK/PN/SAR.III/12.11.2021/3P/6C