



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15130 of 2022

R.Mythili

..Petitioner/A1

Vs.

State rep by its,
Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai 600 049
Crime No.509 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.509 of 2022 on the file of the respondent police.

For Petitioner : Mr.A.M.Ilango

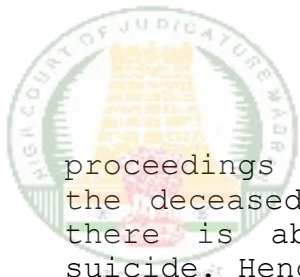
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2022 for the offence punishable under Section 306 of IPC in crime No.509 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant's husband borrowed a sum of Rs.2,00,000/- from the petitioner. Thereafter, the defacto complainant paid to the tune of Rs.10,00,000/-. Even then, the petitioner and others demanded and threatened the deceased to pay exorbitant interest. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that there are totally four accused, in which the petitioner is arrayed as A1. The other accused persons are no way connected with the petitioner. The petitioner has no relationship with them. In fact, on borrowal of the loan, the defacto complainant's husband issued cheque in order to repay the loan borrowed from the petitioner and the said cheque was deposited and returned dishonoured for the reason "funds insufficient". The petitioner also issued notice as contemplated under Section 138 of NI Act and she is initiating



proceedings for the offence under Section 138 of NI Act as against the deceased. However, he committed suicide by hanging himself and there is absolutely no instigation by the petitioner to commit suicide. Hence, he prays to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally four accused. All are relatives. On demand of exorbitant interest, the de facto complainant's husband committed suicide. The de facto complainant borrowed only a sum of Rs.2,00,000/-, whereas repaid a sum of Rs.10,00,000/- along with interest. Hence, he vehemently opposed to grant bail to the petitioner.

5. Even according to the case of the prosecution, the defacto complainant's husband committed suicide on 08.06.2022. There is no evidence to show that soon before his death, there was instigation by the petitioner herein. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 XIII Metropolitan Magistrate Court, Egmore, Chennai and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter 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].



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

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-sd/-

30/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
V-4, RAJAMANGALAM POLICE STATION,
CHENNAI 600 049

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN),
PUZHAL, CHENNAI

+3 CC to M/S A.M.ILANGO Advocate on payment of necessary charges
Sr.10339

CRL OP.15130/2022

Date :30/06/2022

RVR 30/06/2022