



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2542 of 2022

1. Palraj
2. Jeyalakshmi
3. Pothiraja
4. Priya
5. Ponmalai
6. Vijayarani
7. Ravi @ Ravi Raja

...Petitioners/Accused Nos.1 to 7

Vs

State through
The Sub-Inspector of Police,
Sindhupatti Police Station,
Madurai District.
(Crime No.308 of 2021)

... Respondent/Complainant

For Petitioners : M/s.J.Jeyakumaran, Advocate.

For Respondent : M/s.M.Muthumanikkam
Government Advocate (Crl. side)

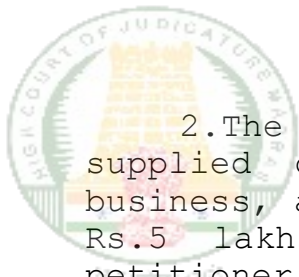
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.308 of 2021 on the file of the Respondent police.

ORDER: The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 406, 294(b), 323, 354 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.308 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the first petitioner had supplied cows to the defacto complainant, who is doing milk business, and further, the defacto complainant has borrowed a sum of Rs.5 lakhs from the first petitioner, for which, the first petitioner obtained a mortgage deed from the defacto complainant and that the defacto complainant supplied milk to the first petitioner to the tune of Rs.15 lakhs, but the first petitioner failed to repay the money and on 20.12.2021, all the petitioners trespassed into the house of the defacto complainant and demanded exorbitant interest, abused them in filthy language and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the husband of the defacto complainant has executed mortgage deed in favour of the third petitioner on 26.04.2021 and that after lapse of eight months, the defacto complainant has lodged the present complaint and on the basis of which, FIR came to registered in Crime No.308 of 2021 for the alleged offences under Sections 147, 148, 448, 406, 294(b), 323, 354 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

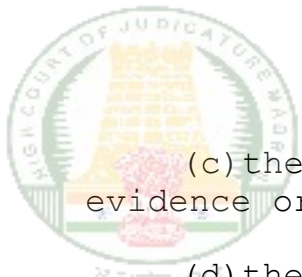
4.The learned Government Advocate (Criminal Side) would submit that the petitioners have demanded exorbitant interest and trespassed into the house of the defacto complainant and abused them in filthy language and attacked them.

5.Considering the nature of charges levelled against the petitioners 1, 2, 4 and 6, and the age of the first petitioner and also the fact that the petitioners 2, 4 and 6 are women, this Court is inclined to grant anticipatory bail to the petitioners 1, 2, 4 and 6 subject to the following conditions:

6.Accordingly, the petitioners 1, 2, 4 and 6 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tirumangalam, on condition that the petitioners 1, 2, 4 and 6 shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 1, 2, 4 and 6 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 1, 2, 4 and 6 shall report before the respondent police for a period of thirty (30) days and thereafter, as and when required for interrogation;



(c) the petitioners 1, 2, 4 and 6 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 1, 2, 4 and 6 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 1, 2, 4 and 6 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 4 and 6 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 / petitioners 1, 2, 4 and 6 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. Accordingly, this Criminal Original Petition is dismissed, with respect to the petitioners 3, 5 and 7.

Sd/-

09/02/2022

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Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
THIRUMANGALAM.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.JEYAKUMARAN J Advocate SR.No.933

ORDER
IN
CRL OP (MD) No.2542 of 2022
Date :09/02/2022

SP/PN/SAR III/28/02/2022/4P/6C