



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 01/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.13117 of 2021

Sowmiya ... Petitioner/Rank Not Known

Vs.

State rep. By
The Inspector of Police,
City Crime Branch,
Trichy City,
(Crime No.Not Known of 2021)

... Respondent/Complainant

C.Ashok

... Intervening Petitioner/
Defacto Complainant

For Petitioner : Mr.V.Illanchezian, Advocate
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor
For Intervenor : Mr.B.Jameel Arasu,
Advocate.

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as an accused apprehending
arrest at the hands of the respondent police for the offence
punishable under section 406 and 420 IPC, in Crime No.19 of 2021 on
the file of the respondent police, seeks anticipatory bail.

2.According to the prosecution, the petitioner and her husband
namely Jo approached the de-facto complainant obtained a loan of
Rs.24 Lakhs for development of the Dental Clinic as well as their
business. The petitioner's husband died, on 04.01.2019. When the
money was demanded by the de-facto complainant, the accused persons
refused to repay the amount and also threatened him with dire
consequences. Hence, this case.



3.Heard both sides.

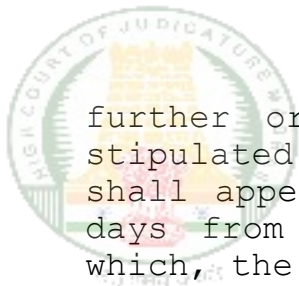
4.The entire CD file is called for and perused. Perusal of the CD file shows that it is a money transaction between the de-facto complainant and the husband of the petitioner.

5.Now the case of the de-facto complainant is that promising to repay the amount with profit of return in the profession, which was run by this petitioner, Rs.24 lakhs was deposited by the de-facto complainant. But on perusal of the records shows that it is a matter of deposit of money for profit in a hospital. This court is not in a position to understand how the hospital administration can be termed as business enterprises. Only for the purpose of developing the hospital, it appears that the husband of this petitioner borrowed money from the de-facto complainant. Later her husband died. For some time, it appears that interest was regularly paid, but later the interest was not paid.

6.When the matter is pending before this court, the possibility of settlement between the parties was also explored. The petitioner says that that she received only Rs.10,00,000/- from the de-facto complainant. But however, she is also ready to repay the same. But the learned counsel appearing for the intervener/de-facto complainant would submit that Rs.24 Lakhs have been paid and not Rs.10,00,000/- as stated by the petitioner.

7.No doubt, it is a disputed questioned of fact, which cannot be gone into at this stage. Because of the difference of opinion with regard to the amount involved, the matter could not be settled. But however, since an undertaking has been given by the petitioner to the effect that she is ready to deposit Rs.10,00,000/- to show her bona-fideness. So, anticipatory bail can be granted on condition that the petitioner must deposit Rs.10,00,000/- within a period of one month from the date of receipt of copy of this order to the credit of the crime number before the concerned Magistrate Court. So, this court is inclined **to release the petitioner on anticipatory bail** with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate NO.1, Trichy and 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 Magistrate concerned and on further condition that **the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the crime No.19 of 2021 before the Judicial Magistrate No.1, Trichy, within a period of one month from the date of receipt of a copy of this order** and on further condition that the petitioner shall appear before the respondent police once in 15 days at 10.00 am until



further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

01/02/2022

WEB COPY

/ TRUE COPY /

/ /2022

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.I
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13117 of 2021

Date :01/02/2022

SS/VR/SAR-II/11.02.2022 : 3P/5C