



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17340 of 2022

Mangaleswari

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Cr. No.208/2022.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu.M,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.208/2022 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 offences punishable under Section 306 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Mohanapriya is the wife of the deceased Sankar. The deceased and the first accused have business transaction. The deceased borrowed goods from the first accused to a value of Rs.1,77,000/-. The deceased has paid the said amount to the first accused. But he has received a cheque from the deceased to a value of Rs.11,27,000/- and initiated proceedings under Section 138 of NI Act, due to which on 21.09.2022, the deceased has committed suicide. Hence, the



3.The learned counsel for the petitioner would submit that the petitioner is arrayed as second accused in this case. The first accused and the deceased are having business transaction between them. He has supplied the goods to a value of Rs.11,27,000/- to the deceased. On 12.12.2017, the deceased issued a cheque. The first accused presented the said cheque for collection in his bank and the same was returned. Hence, the first accused has filed a complaint before the Judicial Magistrate Court, Aruppukottai, under Section 138 of Negotiable Instruments Act and also filed a suit for recovery of money in O.S.No.9 of 2018 before the Additional District Court, Virudhunagar. The petitioner is the wife of the first accused. She has no role in the business transaction between her husband and the deceased. He would further submit that she is an innocent and she did not commit any offence as alleged by the prosecution. Hence, she may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the civil proceedings are pending between the parties. The deceased, in his suicide note, has specifically implicated the accused. He would further submit that investigation is at the preliminary stage and custodial interrogation of the petitioner is necessary. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature and gravity of offence and also the facts that investigation is at the preliminary stage and custodial interrogation of the petitioner is necessary, this Court is not inclined to grant bail to the petitioner.

6. Hence, this Criminal Original Petition is dismissed.

sd/-
28/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

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 SUB INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17340 of 2022

Date : 28/09/2022

RK/GB/SAR- (10/10/2022) 3P/3C