



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.20769 of 2021

Saroja

... Petitioner/Petitioner/
Accused No.6

Vs

State rep.by
The Inspector of Police,
T.Vadipatti Police Station,
T.Vadipatti,
Madurai District.
(Crime No.312 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Muthukrishnan.S, Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 312 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 offence punishable under Section 174 of Cr.P.C @ 147, 294(b), 506(i) and 306 of IPC and r/w Section 3 and 4 of Tamilnadu Prohibition of Charging Exorbitant interest Act (TNPCEI), in Crime No.312 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband borrowed money from the petitioner. When the defacto complainant's husband approached the petitioner for re-paying the Principal amount, the petitioner demanded more interest and also abused and threatened him with dire consequence. Hence, the defacto complainant's husband committed suicide.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submitted that this is the second application for anticipatory bail. The earlier anticipatory bail Petition filed in CrI.OP(MD)No.11834 of 2021 was dismissed as withdrawn. He further submitted that the petitioner has filed an undertaking affidavit before this Court that he will not indulge any offence in future.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has collected exorbitant interest from the general public.

5.Considering the facts and circumstances of the case and nature of allegation levelled as against this petitioner and the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vadipatti, Madurai, 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) if the petitioner is involved in any offence in future, the respondent police to move an application for cancellation of bail.

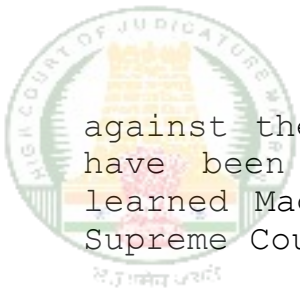
[c]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[d] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioner shall not abscond either during investigation or trial.

[g]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 petitioners 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]**.

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

Sd/-
27/01/2022

/ TRUE COPY /

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

TTA

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 COURT,
VADIPATTI, MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
T.VADIPATTI POLICE STATION,
T.VADIPATTI,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20769 of 2021
Date :27/01/2022