



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.20766 of 2021

A.Amutha ... Petitioner/ Petitioner/ Petitioner/
Petitioner/ Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
T.Vadipatti Police Station,
Madurai District.

(Crime No.312/2021) ... Respondent/ Respondent/ Respondent/
Complainant

For Petitioner : Mr.S.Muthukrishnan,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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 :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 506(i) and 306 IPC r/w Section 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act (TNPCEI) in Crime No.312 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that though the defacto complainant's husband repaid the principal amount, the petitioner insisted him to repay the same with exorbitant interest. Due to the stress, he committed suicide. Hence, the complaint.



4.Considering the nature of allegations against the petitioner, this Court, by earlier order dated 30.11.2021 dismissed the application filed by the petitioner, seeking anticipatory bail.

5.The learned counsel for the petitioner moved this second application, claiming that the petitioner is an innocent and she has not committed any offence.

6.This Court dismissed the earlier application after ascertaining from the investigating agency that whether the petitioner is involved in collecting exorbitant interest. The respondent police also verified and filed a report to that effect. The suicidal note is also placed before this Court. This Court suggested the petitioner's counsel that if an affidavit is filed, stating that the petitioner will not involve in any money lending business charging exorbitant interest in future, this Court would consider the grant of anticipatory bail. The learned counsel for the petitioner has also taken the same in a right spirit and filed an affidavit before this Court that the petitioner will not involve in any money lending business in future.

7.Considering the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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.

[a](i) the petitioner shall also file an affidavit before the respondent police in Tamil that she will not involve in any money lending business in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

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

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



[d]the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/01/2022

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

ORDER

IN

CRL OP(MD) No.20766 of 2021

Date :04/01/2022

VRN

MK/JC/SAR.II/11.01.2022/2P/5C