



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20449 of 2022

WEB COPY

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... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
(Crime No.186 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Navinkumar M,
Advocate.

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

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

PRAYER :-

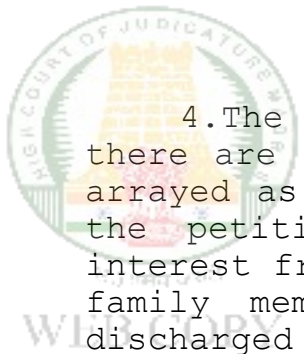
For Anticipatory Bail in Crime No.186/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323 and 506(ii) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Cr.No.186 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the accused have lent a sum of Rs.3,00,000/- to the de-facto complainant, for which, they are demanding exorbitant interest and harassed the de-facto complainant and her family members. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 12.10.2022, in Crl.O.P.(MD)Nos.11479 and 11569 of 2022. He would further submit that the petitioner has never demanded any such interest from the de-facto complainant. The de-facto complainant has given a cheque to the accused for the above said amount and the same has also become dishonoured. He would further submit that A4 was already granted anticipatory bail the trial Court. Hence, he prays for anticipatory



4.The learned Government Advocate(Crl.Side) would submit that there are five accused involved in this case and the petitioner is arrayed as A5. The de-facto complainant borrowed some amount from the petitioner and other accused and they demanded exorbitant interest from the de-facto complainant and also harassed her and her family members. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the facts that the co-accused was already granted anticipatory bail and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukottai, on condition that the petitioner shall execute 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20449 of 2022

Date :18/11/2022

SJI

RS/VR/SAR.1(30.11.2022) 3P-5C