



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

Date : 23/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20712 of 2022

1. Pandiyammal
2. Meenatchi

... Petitioners/Accused Nos.5 & 7

Vs

The State Rep. By,
The Inspector of Police,
Sadapatty Police Station,
Madurai District.
(Crime No.71 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Paulmurugesh S,
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.71 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A5 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 447, 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.71 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant have money dispute between them. The defacto complainant received money from the petitioners and other accused, 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 petitioners would submit that the defacto complainant received money from the petitioners. Thereafter, he did not pay the said amount to them and he cleverly



lodged a false case against the petitioners. He would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Further, the co-accused were already released on anticipatory bail. Hence, they may be granted anticipatory bail.

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to money dispute between the parties, the petitioners demanded exorbitant interest from the de-facto complainant and also criminally intimidated him. He would further submit that co-accused were already released on anticipatory bail. Further, investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Cum Magistrate, Peraiyur, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

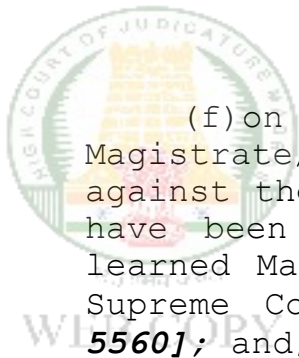
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit a sum of **(*)Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.71 of 2022** before the learned Judicial cum Magistrate, Peraiyur, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]**; and;

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

sd/-

23/11/2022

(*) Modified as per order of Hon'ble Court in CRL MP(MD).15620/2022 in CRL OP(MD).20712/2022 dated 15/12/2022 by ADJCJ

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 12.12.2022

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

ORDER

IN

CRL OP(MD) No.20712 of 2022

Date : 23/11/2022

cp

USK/BUC/SAR-II/07.12.2022/3P/5C

RS/SSS/SAR.1 (23.12.2022) 3P/5C