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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.04.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.6474 of 2023

A.Vasuki

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.G.Kannan, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
For Intervenor : Mr.Narayanan Ram, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.167 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) & 506(1) IPC in Crime No.167 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the accused persons are neighbours. The defacto complainant came to know that the accused persons are yielding more money in potato business and she also wanted to invest money in that business. Hence, she gave a sum of Rs.11,00,000/- on various dates to the accused persons. Thereafter, the accused persons denied to repay the money and also scolded the defacto complainant in filthy language. Hence, the case.

3.Heard both sides and perused the materials available in the record.



4.It is seen that the petitioner borrowed various amounts from various persons in order to develop her business and she also paid interest. Subsequently, the money lenders threatened her with dire consequences and they also told her that they would kidnap her children. Therefore, the petitioner lodged a detail complaint before the higher officials. So far they have not taken any steps or action as against the money lenders. In fact, she also filed a direction petition to register FIR in CrI.O.P.(MD)No.1173 of 2023. However, it was disposed of by recording the submission made by the Government Advocate that her complaint was enquired and closed.

5.It shows that all the victims are money lenders and admittedly, the petitioner borrowed money from the various persons. Therefore, it is only loan transaction and all the allegations are civil in nature and hence, custodial interrogation of the petitioner does not required in this case.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 as and when required for interrogation;

[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].

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

sd/-

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to G.KANNAN, Advocate SR.No.20343[F]

ORDER

IN

CRL OP(MD) No.6474 of 2023

Date :10/04/2023

RS/BUC/SAR-3(26.04.2023) 3P 6C