



CRL OP(MD). No.16108 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.16108 of 2023

Nargish Banu

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thanjavur East Town Police Station,
Thanjavur District,
Crime No.119/2023.

... Respondent/ Complainant

For Petitioner : M/s.Boomee Rajan.P.R,
Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.119/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406 IPC in Crime No.119 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner's husband received a sum of Rs.30,00,000/- as loan from one Kinara Capital Finance Company, Thanjavur and



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subsequently, he failed to pay the monthly instalments and hence, the case.

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3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner received money as loan from the defacto complainant's finance Company and subsequently, failed to pay the instalment and that there was a quarrel arose between them. He would further further submit that civil Suit in O.S.No.63 of 2018 is pending before the District Munsif Court, Ilayankudi and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact it is a money dispute and that the civil suit is pending, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.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.I, Thanjavur 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 condition that:



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[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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/-
05/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
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TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THANJAVUR EAST TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.PR.BOOMEERAJAN, Advocate (SR-14712[I] dated 06/10/2023)

ORDER
IN
CRL OP(MD) No.16108 of 2023
Date :05/10/2023

RS/VRS/SAR-(10.10.2023) 4P 6C
Madurai Bench of Madras High Court is issuing
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