



CRL OP(MD) No.3944 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3944 of 2024

THOTTICHI

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.325/2022.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.BALAKRISHNAN Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.325 OF 2022 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence punishable under Sections 341, 294(b), 323 and 506(ii) IPC in



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Crime No.325 of 2022, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner borrowed a sum of Rs.10 Lakhs from the defacto complainant and thereafter, failed to repay the same. When the defacto complainant asked to repay the amount, there was a wordy quarrel arose between them. Hence, the defacto complainant preferred a complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner borrowed the amount during COVID-19 pandemic and the same was paid. However, the defacto complainant filed a complaint. Therefore, the petitioner filed a petition before this Court to issue a direction to the Police not to harass the petitioner. In the said petition, it was informed that the enquiry was conducted and the same was closed. Subsequently, the defacto complainant filed another complaint. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the complaint is of the year 2022, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, 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 learned Judicial Magistrate, Melur 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c) the petitioner shall report before the respondent police as and when required;

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

(e) the petitioner 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 petitioner in accordance with



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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;

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

sd/-
13/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

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

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

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-3121[I] dated 13/03/2024)



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ORDER
IN
CRL OP(MD) No.3944 of 2024
Date :13/03/2024

SA/GS/SAR. /19.03.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.