



CRL OP(MD)No.10090 of 2024

WEB COPY

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

Date : 08/07/2024

PRESENT

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

CRL OP(MD)No.10090 of 2024

S.Vinotha

... Petitioner/Sole Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Ayakudi Police Station,
Palani,
Dindigul District.
(Crime No.262 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.Rajan, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime NO.262 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



CRL OP(MD)No.10090 of 2024

respondent police for the offences punishable under Section 420 of IPC, in Crime

WEB COPY

No.262 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Krishnakumar gave a loan of Rs.32,00,000/- to the petitioner for the following period from 23.02.2019 to 18.01.2020 for financial commitments and promised to repay Rs.6,000/- as profit from the gas agency daily, but the petitioner failed to return the money. Thereby, she cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and she has been falsely implicated in this case. He would further submit that it is purely a civil dispute. The petitioner received only Rs.12,00,000/- as hand loan from the defacto complainant that too also for the rate of interest of 18% per annum, but the defacto complainant calculating the exorbitant interest now demanded Rs.32,00,000/- from the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has received a sum of Rs.32,00,000/- from the defacto complainant and failed to repay the same. He would further submit that the investigation is in preliminary stage. Hence, he strongly opposed to grant



CRL OP(MD)No.10090 of 2024

anticipatory bail to the petitioner.

WEB COPY

5.Considering the facts and circumstances of the case and also considering the fact that the case is purely civil in nature, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, Dindigul District, 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 to the Police Officer, who intends to arrest or 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 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;



CRL OP(MD)No.10090 of 2024

WEB COPY

(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/-
08/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

1.The Judicial Magistrate,
Palani, Dindigul District.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Ayakudi Police Station,
Palani, Dindigul District.



CRL OP(MD)No.10090 of 2024

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.RAJAN, Advocate (SR-7715[I] dated 10/07/2024)

ORDER
IN
CRL OP(MD) No.10090 of 2024
Date :08/07/2024

ED/ JGB /SAR- (18/07/2024) 5P / 6C

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