

In the Court of the Principal District Judge, Madurai.
Present : Tmt.N.Nagalakshmi, M.A., B.L.,
Principal Sessions Judge (Incharge), Madurai.
(Authorized U/s 10(3) of Cr.P.C)
Thursday, the 1st day of October, 2020.
Crl.M.P.No.3932/2020

1. Vasumathi, W/o Selvam
2. Selvam, S/o Annamalai
3. Vimal, S/o Selvam

... Petitioners/Accused,

/vs/

State through the Inspector of Police,
K.Pudur P.S.
Cr.No.1851/2020

... Respondent/Complainant

This petition is coming up today before me for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Arokiya Selva Ramesh, Advocate for the petitioner and of Thiru.M.Tamil Chelvan, the Public Prosecutor for the State over conference call, this court passed the following..

Order

1. Anticipatory Bail application u/s 438 of Cr.P.C.
2. The offences alleged are u/s 294(b), 323, 506(i) of IPC and 3 and 4 of TNPCE Act.

3. Heard. Considered the arguments of both side. The learned counsel for the petitioners would submit that case has been registered against the accused in Crime No.1851/2020 by the respondent P.S. u/s 294(b), 323, 506(i) of IPC and 3 and 4 of TNPCE Act. The petitioners are A1 to A3 and they are family members. The defacto complainant borrowed money on various occasions from the accused from the year 2014 and executed nearly 8 promissory notes. The petitioners have already filed a complaint against the defacto complainant in respect of non-payment of the amount borrowed, which comes to approximately Rs.20 Lacs. At the time of enquiry the defacto complainant issued a cheque which was subsequently dishonoured and case under Negotiable Instruments Act is also pending against the defacto complainant. The present complaint is filed as counter blast for the above said complaint alleging that the petitioners threatened the defacto complainant. A1 and A3 are wife and son of A2. The petitioners are no way connected with

the alleged offence and they are innocent. The petitioners apprehend that they would be arrested by the respondent police and prayed to grant anticipatory bail to the petitioners with any stringent condition.

4. The case of the prosecution is that totally there are three accused who are the petitioners herein. The defacto complainant is running a clinical lab at K.Pudur, Madurai. Even as per FIR money transaction finds place between the accused and defacto complainant upto Rs.20 Lacs. As far as the present case is concerned, the petitioners tortured and threatened the defacto complainant demanding repayment of the amount. The petitioners obtained signatures in blank papers with intention to grab the property of the defacto complainant. In view of pending investigation, he placed his objections to allow the petition.

5. It is admitted that case against the defacto complainant under Negotiable Instruments Act is pending before the Judicial Magistrate. The averments in the FIR reveals that money transaction took place between the parties. Hence, considering the fact that civil dispute exists between the parties and that nobody was injured during the said occurrence and that only wordy quarrel took place, this court is inclined to grant anticipatory bail to the Petitioners on condition.

6. In the result in the event of arrest or on their surrendering before the Court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.6, Madurai subject to the following conditions:-

(i) The petitioners shall surrender before the Court concerned within 15 days from today without fail.

(ii) The petitioners shall appear and sign before the Inspector of police, respondent police station daily at 10.00 a.m. until further orders.

(iii) The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

7. If there is any violation of condition, the Investigation officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail even though anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560**. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 1st day of October, 2020.

Sd/- N.Nagalakshmi,
Principal District Judge (I/C),
Madurai.

Copy to

1. The Judicial Magistrate No.6, Madurai.
2. The Inspector of Police, K.Pudur P.S.
3. The Petitioners through their counsel.