

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE.**

Friday, this the 27th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.850/2026

Y. Shanthi Mary (Age 50 years),
W/o. Yokop Raj,

... Petitioner/Accused.

/ vs /

State, Rep. by
through the Inspector of Police,
Podanur Police Station,
Crime No. Not Known.

Offences: u/s.296(b), 316(2), 318(4) of BNS.

Through the Public Prosecutor, Coimbatore. ... Respondent/Complainant
(The District Munsif - Cum- Judicial Magistrate, Madukkarai.)

This petition has been filed through **e-Filing** on behalf of the petitioner to release her on anticipatory bail u/s.482 of BNSS.

This petition is coming on this day for final hearing before this Court in the presence of **Tvl. Arun jacob Singh, and M. Tamilarasu**, Advocates for the Petitioner / Accused and **Tvl. A. Santhosh and Captan Prabhakaran**, Advocate for Intervener/ defacto complainant [CMP.No.942/2026] and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

ORDER

Heard both side.

The petitioner seeks anticipatory bail for the alleged offences u/s. 296(b), 316(2), 318(4) of BNS.

2. The learned counsel for the petitioner has submitted that the petitioner borrowed Rs.2 lakh in cash for business enhancement from the defacto complainant and handed over 7 blanks cheques as security and he has paid Rs.3,78,660 towards principal and interest through bank transaction. While so, the defacto complainant

demanded to pay more exorbitant interest from the petitioner. All of a sudden, he along with his men trespassed into the house of the petitioner to illegally take possession of the petitioner's car for interest purpose and therefore the petitioner lodged complaints with the District Collector and Commissioner of Police regarding exorbitant interest demanded and the misuse of security cheques. While so, a counter complaint filed by the defacto complainant and the police advised both parties to resolve the matter through the Court of law and the defacto complainant obtained an order for the registration of the FIR on 30-01-2026 u/s 175(3) of the BNSS. The petitioner denies receiving of Rs.11,39,000/- to distribute to 42 members and misappropriated Rs.6,50,000/-. The transaction is civil in nature and that the complaint is the result of personal vendetta. The petitioner is having permanent resident and he undertakes that he will neither abscond nor tamper the witnesses and pray for grant of anticipatory bail to him.

3. The learned counsel for the defacto complainant has submitted that the accused build trust by repaying a small loan promptly before escalating her fraudulent actions and she falsely obtained Rs.3 lakh in the month of August 2024 for a fake member, Valthileep and in the month of October 2024, she orchestrated a larger scam by claiming 42 fake acquaintances wanted to join, securing Rs.11.39 lakh as their guarantor and the accused defrauded the defacto complainant of approximately Rs.6.50 lakh by siphoning funds intended for 42 members and the fraud was discovered when the accused defaulted on repayment and evaded the defacto complainant in the month of January 2025. While so, the Sundarapuram PS refused to register the FIR and pressured the defacto complainant to settle the dispute despite the accused's admission of guilt. The accused refused to repay the amount, turned hostile, and physically and verbally assaulted the defacto complainant in public. The respondent police and higher authorities failed to register the FIR despite formal complaint. Investigation is pending and strongly opposed to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor has submitted that the defacto complainant is running a chit fund on weekly basis. The accused was appointed by the defacto complainant and his work to collect chit amount from the members. While so, the accused misappropriated the chit amount of Rs.11.39 lakh and cheated the defacto complainant. In this case, the amount is not yet recovered.

5. Heard. As per the prosecution case, the accused misappropriated the fund of the defacto complainant's chit fund company and cheated a sum of Rs.11.39 lakh. It

is the main contention of the petitioner that, the defacto complainant is doing money lending business and in the year 2024, the petitioner borrowed Rs.2 lakh from the defacto complainant for business purpose and for which the defacto complainant demanded to surrender 7 blank cheques by the petitioner and from the date of borrowal till the year 2025, the petitioner paid a sum of Rs.3.78 lakh on various dates to the account of the defacto complainant and while so the defacto complainant demanded exorbitant interest from the petitioner and all of a sudden, he along with his men, entered into the house of the petitioner and seized his car and for which the petitioner has filed complaint before the District Collect and the same was forwarded to Sundarapuram PS and they issued CSR No.215/2025 and the same is pending and as a counter blast, the defacto complainant lodged this false complaint before the respondent police, and suppressing the material facts, the defacto complainant preferred petition before the learned Magistrate for direction to register the FIR and petitioner has not given the cheques voluntarily as alleged and he gave for security purpose only and the defacto complainant misused the cheques and the petitioner is innocent and he is ready to cooperate with the investigation and prays for grant of anticipatory bail to him. Per contra, the learned counsel for the defacto complainant contended that, the defacto complainant never seized the petitioner's car as alleged and the vehicle was seized by the finance company and after lodging of the complaint by the defacto complainant, as a counter blast, the petitioner lodged a false complaint and though during the enquiry by the police, the petitioner assured for repayment of the amount, he has not acted as agreed and the petitioner voluntarily gave cheque to the defacto complainant but the same was dishonoured and if the petitioner is granted anticipatory bail, he will abscond and tamper the witnesses and opposed to grant anticipatory bail to the petitioner. The learned Public Prosecutor reported that in this case, the amount is not yet recovered and the investigation is in prime stage and prays to dismiss the petition. After considering all the above said aspects, considering the nature of offence, nature of allegation, and stage of the investigation, **this Court is not inclined to grant anticipatory bail to the petitioner.**

Hence this petition is dismissed.

This order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 27th day of March, 2026 .

PRINCIPAL DISTRICT & SESSIONS JUDGE,

COIMBATORE.

CC to (sent via email):

1. The District Munsif - Cum- Judicial Magistrate, Madukkarai.
2. The Public Prosecutor, Coimbatore.
3. The Inspector of Police, Podanur Police Station.
4. Counsel for the Petitioner / Accused Person.
5. Counsel for the defacto complainant / intervener.