



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

Friday, the Fifteenth day of December Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.17312 of 2017

1 LAKSHMANAN  
2 NAGARANI  
3 V.BALAKRISHNAN  
4 K.SAKTHIVEL

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
SOOLAKARAI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.525/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.MARIMUTHU Advocate

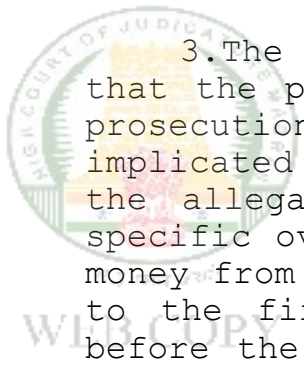
For Respondent : MR.K.ANBARASAN Government Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 309 r/w 109 IPC @ 306 of IPC in Crime No.525 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that initially defacto complainant's husband made a complainant against the petitioners since the first petitioner was tortured her husband, her husband consumed poison and admitted in the hospital on 18.11.2017. Initially, he was admitted in the Government Hospital, thereafter he was shifted to the Velammal Hospital, Madurai for better treatment and he died on 09.12.2017. Based on the suicide note the first petitioner and the other persons implicated for the offences under Section 309 r/w 109 IPC @ 306 of IPC. The allegation against the first petitioner is there was a money transaction between the first petitioner and the deceased. Since the torture mounted by the first petitioner, the deceased person forced to take a decision of committing suicide. The deceased person working as a Drafts man in the Revenue Department. Accordingly, the Law Enforcing Agency registered a case.



3.The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution. Only based on the suicide note, these petitioners are implicated as accused. Even assuming that, as per the suicide note, the allegation only made against the A1. Further there is no specific overt act was mentioned. Admittedly the deceased borrowed money from the first petitioner. Since he was not repaid the money to the first petitioner, the first petitioner had filed a suit before the civil forum for recovery of money. The petitioner did not commit any offence as alleged by the prosecution. Hence they pray for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the state would submit that the suicide note clearly implicated the first petitioner. The first petitioner forced the deceased person for the payment of money, thereby the first petitioner forced the deceased person to take a decision for commit suicide. However, there is no specific overt act.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), since there is no specific allegation against the petitioner No.2 to 4, I am inclined to grant anticipatory bail to the petitioners No.2 to 4 with certain conditions. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 condition that:

(i) The petitioners 2 to 4 shall appear before the respondent police daily at 10.00 a.m., until further orders;

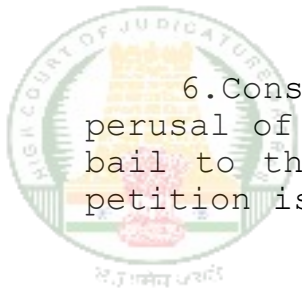
(ii) the petitioners 2 to 4 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iii) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 4 shall not abscond either during investigation or trial;

(v) the petitioners 2 to 4 shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioners 2 to 4 in accordance with law and the anticipatory bail granted stands cancelled automatically.



6.Considering the facts and circumstances of the case and on perusal of the suicide note, I am not inclined to grant anticipatory bail to the first petitioner. Accordingly, this anticipatory bail petition is dismissed with regard to the first petitioner.

sd/-  
15/12/2017

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIDURHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE  
SOOLAKARAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.36313

TM

GJM/PM/PN/SAR-I-21.12.2017-3P-6C

ORDER  
IN  
CRL OP(MD) No.17312 of 2017  
Date :15/12/2017