



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2842 of 2018

RAGUPATHY SRINIVASAN

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE,
MADURAI CITY.
(CRIME NO.53 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JEYAKARTHIK for M/S.S.R.DURAIRAJ, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehending arrest at the hands of the respondent police for the offence punishable under Section 306 of IPC, in Crime No.53 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband borrowed a sum of Rs.1,00,000/- from the petitioner. While the petitioner demanded more interest for the loan amount, the defacto complainant's husband refused to give the same. Hence, the petitioner filed a complaint under Section 138 of Negotiable Instruments Act before the Judicial Magistrate No.II, Kovilpatti and the same was taken on file as C.C.No.262 of 2017. Pending complaint on the instigation of the life threat given by the petitioner the defacto complainant's husband committed suicide, thereby the case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) would submit that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that on 27.07.2016, the deceased borrowed Rs.7,00,000/- from the petitioner for his family necessities, for which the petitioner herein received a cheque for Rs.7,00,000/-. Consequently, for the non payment of debt, private complaint has been lodged before the learned Judicial Magistrate No.II, Kovilpatti and the same was pending as C.C.No.262 of 2017. The said transaction was completed before the date on which the deceased committed suicide. In the above circumstances, even though the deceased indicated that the petitioner is the reason for the death, considering the fact that the petitioner and the deceased are having the money transaction, custodial interrogation may not be necessary for completing the investigation.

6.Accordingly, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he is 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.V Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 condition that:

- (i) the petitioner shall stay at Vellore and report before the Inspector of Police, Town Police Station, Vellore, daily at 10.00 a.m. until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-

01/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE, MADURAI CITY.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, VELLORE.

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

+1. CC to M/S.JEYAKARTHIK, Advocate SR.No.3319

ORDER

IN

CRL OP(MD) No.2842 of 2018

Date :01/03/2018

PK/CM-VR/SAR-2/09.03.2018 : 3P/7C