



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3450 of 2019

ATHI @ ATHEESWARAN

... PETITIONER / ACCUSED No.3

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.732 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHI BASU Advocate

For Respondent : MR. K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

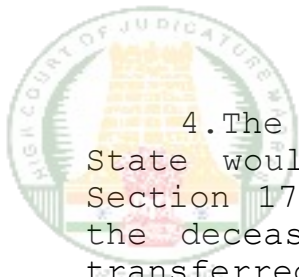
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 174 Cr.P.C @ 306 of IPC, in Cr.No.732 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is A3. The deceased borrowed an amount from the petitioner and other accused persons. Thereafter, they demanded exorbitant interest from the deceased. Due to the stress given by the accused persons, the deceased committed suicide. Hence, the complaint has been lodged by the deceased's son.

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. He has no transaction with the deceased. The defacto complainant's father borrowed several amounts from several persons and since he was unable to repay the same and due stress he has committed suicide. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that initially the case was registered under Section 174 of Cr.P.C., thereafter suicide note was recovered from the deceased's office and on the basis of suicide note, it was transferred under Section 306 of IPC.

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5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner 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.I, Sivakasi, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 daily at 10.30 a.m. until further orders;

(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;

(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/-

06/03/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO I, SIVAKASI

2 THE CHIEF JUDICIAL MAGISTRATE

<https://hcservices.courts.gov.in/hcservices/>
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUHTUR



3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

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+1. CC to MR.M.JOTHI BASU Advocate SR.No.4403

ORDER
IN
CRL OP(MD) No.3450 of 2019
Date :06/03/2019

MSI/JC/SAR 2/08.03.2019/3P-6C