



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11137 of 2019

Anbalagan, ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District,
In Cr No. 92 of 2019.

... Respondent/Complainant

Dhanalakshmi ...Petitioner/Intervener

For Petitioner : M/s.S.Shanmugam,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

For intervenor :M/s.K.N.Govardhanan Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 92 of 2019 on the file of
the respondent police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 174
Cr.P.C @ under Section 306 of IPC in Crime No.92 of 2019, seeks
anticipatory bail.

2.The learned counsel for the petitioner has submitted that the
<https://hcservices.ecourts.gov.in/hcservices/>



deceased borrowed a sum of Rs.1,80,000/- from the second accused and for that, the petitioner stood as guarantor. He further submitted that on 09.06.2019, the second accused demanded the deceased to repay the said amount and at that time, the petitioner was present and except the said act, the petitioner has not done anything more. He further submitted that subsequently, on the same day, at about 1.00 noon, it is alleged that the deceased consumed poison and committed suicide. It is further submitted that already, A-2 was arrested and remanded to judicial custody and subsequently, he was released on bail by the Sessions Court on 10.07.2019. He further submitted that the petitioner has not committed any offence and therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra, the learned counsel for the intervenor/defacto complainant has submitted that the deceased borrowed some amount from the second accused and subsequently, he repaid the said amount with interest and not satisfied with the same, the accused persons have assaulted the deceased and also abused him in the public view. Hence, he consumed poison and committed suicide. He further submitted that this petitioner has already moved anticipatory bail twice before the Sessions Court and at that time, the petitioner has not produced suicide note of the deceased and after dismissal of the said petitions, he filed 3rd application and in that application, the petitioner has produced the suicide note of the deceased by saying that it was posted in the whatsapp message and by taking screen shot, he has produced it before the Court and not satisfying with the said explanation, the Sessions Court has dismissed the application stating that the petitioner is such an influential person and under the said circumstances, if the petitioner is released on bail, he may tamper with the witnesses. Hence, he prayed to dismiss this petition.

4.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned counsel for the intervenor. She also opposed this petition.

5.As per the F.I.R, on 09.06.2019, at about 12.30 p.m, the petitioner and A-2 abused the deceased by demanding exorbitant interest and also criminally intimidated him and hence, after returning to the house, at about 1.00 p.m, he consumed poison, after writing the suicide note. In the suicide note also, he has stated the aforesaid facts. Since the prosecution itself relies upon the suicide note, said to have been written by the deceased, the petitioner is also entitled to use the same in his favour. Merely because, the petitioner has demanded to repay the loan, it cannot be presumed that would amount to abet the deceased to commit suicide.

6.Taking into consideration of the aforesaid facts and also the fact that already the main accused A-1 was arrested and released on bail, this Court is inclined to grant anticipatory bail to the



petitioner by imposing conditions:-.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukkottai District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/08/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ALANGUDI, PUDUKKOTTAI DISTRICT

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT,

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

+1. CC to M/S.S.SHANMUGAM Advocate SR.No.13487

ORDER

IN

CRL OP(MD) No.11137 of 2019

Date :13/08/2019

KM/JC/SAR-II (20.08.2019) 4P 6C