

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.7941 of 2020  
in Crime No.198 of 2020

Perumal,  
S/o.Sellamuthu,  
No.3/178, 3<sup>rd</sup> ward,  
Sivagangapuram,  
Kalpaganur Post,  
Attur Taluk,  
Salem District.

.... Petitioner/Single Accused

Vs.

State represented by  
The Inspector of Police,  
Attur Police Station,  
Salem District.

.... Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.198 of 2020 pending investigation on the file of the respondent police.

|                |   |                                                   |
|----------------|---|---------------------------------------------------|
| For Petitioner | : | Mr.E.Kannadasan                                   |
| For Respondent | : | Mr.Karthikeyan<br>Additional Public<br>Prosecutor |

## ORDER

The petitioner was arrested and remanded to judicial custody on 09.05.2020 for the offence punishable under 174 Cr.P.C. subsequently, it was altered into Section 306 IPC in Crime No.198 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de facto complainant's husband Mayakannan (deceased), has taken a loan from Indian Bank for a sum of Rs.2,85,000/-, out of which, Rs.1,00,000/- was given to the petitioner herein. The deceased Mayakannan asked for repayment of Rs.1,00,000/- and a panchayat has also been conveyed in this regard, but, the petitioner had failed to do so. In the meanwhile, the father of the deceased Mayakannan has died and the deceased was in urgent need of money and asked for repayment of money, but, the petitioner refused to have repaid the money. Hence, Mayakannan committed suicide by hanging. Initially, the case was registered on 04.05.2020 for the offence under Section 174 Cr.P.C. and thereafter, it was altered to Section 306 IPC on 06.05.2020.

3.The learned counsel appearing for the petitioner would submit that Venkatachalam, the father of the deceased, had obtained the loan for the sum of Rs.2,85,000/- through the petitioner; after obtaining the loan, the petitioner received a sum of Rs.1,00,000/- and repaid the same to Venkatachalam. This fact was not known to Mayakannan. The petitioner had paid the entire loan amount with interest. He would further submit that the petitioner is an innocent person and he has been falsely implicated as an accused in this case. Further he would submit that the petitioner is in judicial custody from 09.05.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor would submit that Venkatachalam, the father of the deceased, had obtained the loan for the sum of Rs.2,85,000/- through the petitioner; after obtaining the loan, the petitioner received a sum of Rs.1,00,000/-. When the Mayakannan demanded the petitioner to return the money, the petitioner threatened him and so he committed suicide by hanging. Hence, he vehemently opposed for grant of bail to the petitioner.

5. As regards the submission of the learned counsel for the petitioner that

the petitioner is willing to hand over a sum of Rs.1,00,000/- (in cash) to the family of the deceased Mayakannan, which should not be construed in any manner that the petitioner has admitted his guilt without prejudice to his rights.

6. Taking into consideration the nature of allegations against the petitioner in the FIR and the submissions made by the learned counsel and further taking note of the fact that the petitioner is in judicial custody from 09.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison in which the Petitioner has been confined on his release;

(b) the petitioner shall hand over a sum of Rs.1,00,000/- to the family of the deceased Mayakannan in the presence of the respondent within ten days from the date of his release and if the petitioner fails to hand over the amount, the bail granted by this Court shall stand automatically vacated;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(d) 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;

- (e)the petitioner shall not commit any offences of similar nature;
- (f) the petitioner shall not abscond either during investigation or trial;
- (g)the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (h)the petitioner shall report before the respondent police as and when required for interrogation.

(i)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]***;

(j)if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

28.05.2020

nsd

Index: Yes/No

Speaking order/Non-speaking order

To

1.The Principal Sessions Judge,  
Salem.

2.The Judicial Magistrate No.I,  
Attur.

3. The Superintendent of Prison,  
Central Prison, Salem.

**M.NIRMAL KUMAR.J.**

nsd

4. The Inspector of Police,  
Attur Police Station,  
Salem District.

5. The Public Prosecutor,  
Madras High Court,  
Chennai.



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