

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.18948 of 2020

Sathishbabu @ Narendiran

... Petitioner

Vs.

State rep. by
Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.1747 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.1747 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.11.2020 for the offence punishable under Sections 323, 341, 294(b) and 306 of IPC, in Crime No.1747 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Aprin is that her husband was running a Restaurant and that for the business development, he had borrowed an amount of Rs.60,000/- from Sri Sai Baba Auto Finance and that the de facto complainant's husband was paying the daily interest and that due to Corona pandemic, he was unable to repay the amount properly and hence, the persons, who are running the Finance Company, had compelled the de facto complainant's husband to return a sum of Rs.1,20,000/- and have also harassed him. While so, on 06.06.2020, the accused had come to the house of the de facto complainant and dragged her husband and illegally detained him in the Finance company and obtained signatures in a empty bond paper and claimed him to return the amount of Rs.1,20,000/-, due to which, he came back home and committed suicide by hanging. Hence, the

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is an employee of Sri Sai Baba Auto Finance Company, which is a registered Company bearing registration No.439/2017. He would submit that the de facto complainant's husband had borrowed money from Sri Sai Baba Auto Finance Company and thereafter, he had not paid the interest as well as the principle. While so, the petitioner also understands that the de facto complainant's husband had borrowed money from several persons and since, he was unable to repay the loan amount, due to depression, he committed suicide by hanging, whereas, a false complaint has been given as if the petitioner along with the other accused detained him illegally and obtained signatures in a bond paper. He would submit that the petitioner is not the owner of the Finance company and he is an employee in the said company. He would submit that the petitioner is arrayed as A4 in this case and that the allegation is against the main accused, who are running the Finance company that demanded money from the husband of the de facto complainant and detained him, whereas a false complaint has been given as if the petitioner abetted the de facto complainant's husband to commit suicide. He would submit that the petitioner was arrested on 03.11.2020 and that the major part of the investigation is also over and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is an employee of Sri Sai Baba Auto Finance Company and that the victim had borrowed an amount of Rs.60,000/-, due to Corona pandemic, he was unable to repay the amount and thereby, the owners of the Finance Company along with this petitioner dragged the husband of the de facto complainant from his house and illegally detained him in the office and obtained signatures in empty bond paper and demanded an amount of Rs.1,20,000/-, due to the harassment, the victim committed suicide by hanging. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, Gudiyatham, Vellore District, and on further conditions that;

(b) 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;

(c) the petitioner, on his release from the prison, shall stay at Cuddalore and report before the Cuddalore Old Town Police Station everyday at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

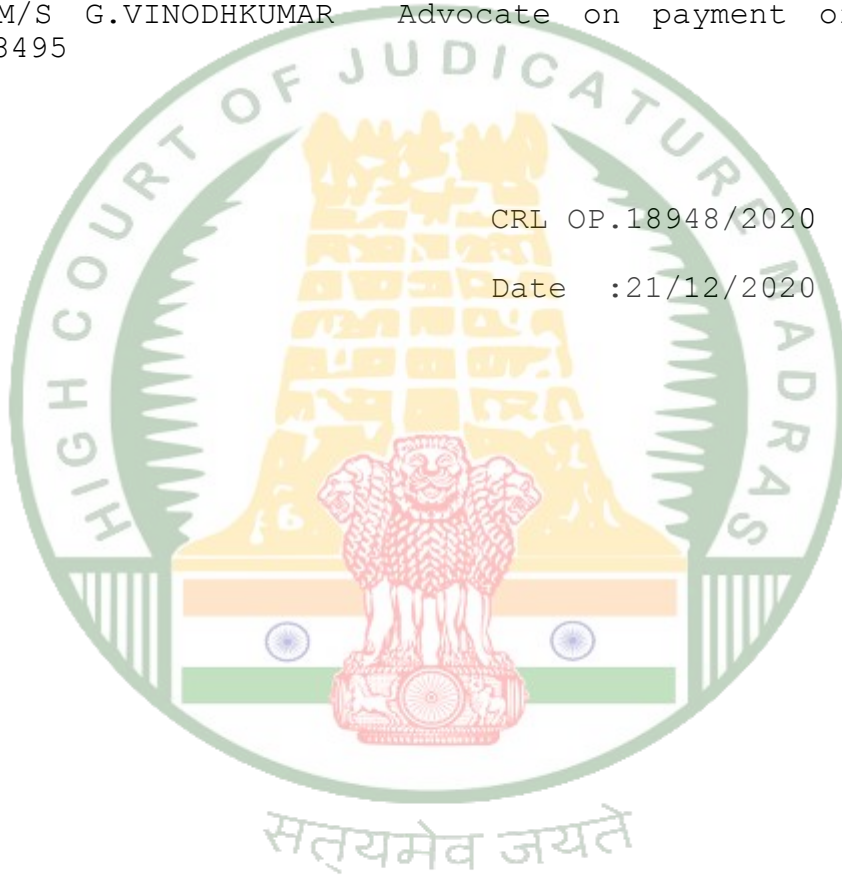
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT.

6 THE OFFICER INCHARGE
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE.

+1 CC to M/S G.VINODHKUMAR Advocate on payment of necessary
charges SR.No.8495

cs 22/12/2020



CRL OP.18948/2020

Date :21/12/2020

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