

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.20999 of 2020

Ganesan

... Petitioner

Vs.

State rep. By,
Inspector of Police,
Tiruppur Central Police Station,
Tiruppur.
(Crime No.885 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.885 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.L.Charles Premkumar,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offence punishable under Sections 143, 294(b), 447, 306 of IPC and r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.885 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Viz., Palanisamy, is that the deceased Kalpana was running a Garments shop. On 06.08.2020 she had borrowed loan from the petitioner's Finance company for helping her friend by pledging jewels. Later, she came to know that all the jewels are given by the deceased are fake one. Thereafter, the petitioner and others had gone to the house of the deceased Kalpana, questioned her about the pledging jewelsof fake and also they abused and asked her for return of the money. Due to which, the deceased Kalpana committed suicide by consuming thennamara Kurani Mathirai. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely

implicated in this case. He would further submit that the petitioner has no previous case pending against him and he has been suffering incarceration from 11.12.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that on 06.08.2020 the deceased Kalpana borrowed loan from the petitioner's Finance company for helping her friend by pledging jewels and later she came to know that all the jewels are fake one. He would further submit that the petitioner and others came to the house and shop of the deceased Kalpana, questioned her about the fake pledging jewels and cheating intention and also they abused and asked her for return of the money. Due to which, the deceased Kalpana committed suicide by consuming thennamara Kurani Mathirai.

5. Heard the learned counsel on either side. Perused the FIR and other materials placed on record.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Tiruppur, 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 shall appear before the respondent police every day 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.

7.With the above directions, this Criminal Original Petition stands ordered.

-sd/-
30/12/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION, TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.N.PONRAJ Advocate on payment of necessary charges
SR NO.8758

CRL OP.20999/2020

Date :30/12/2020

MN-30/12/2020