



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

Date : 18/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6330 of 2020

S.Sathishkumar, ... Petitioner/Accused Rank Not Known

Vs

The State represented by
The Inspector of Police,
Oddachathiram Police Station,
Dindigul District ,
Crime No. 1277 of 2020. ... Respondent/Complainant

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

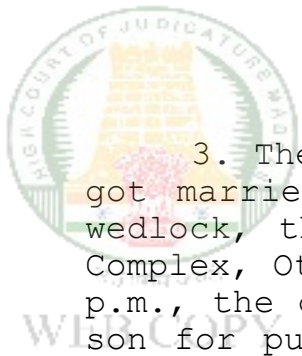
PRAYER:-

For Anticipatory Bail in Crime No. 1277 of 2020 on the file of the Respondent Police.

ORDER: The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 306 of I.P.C., and Section 4 of the Exorbitant Interest Act in Crime No.1277 of 2020 on the file of the respondent police, seeks anticipatory bail.



3. The case of the prosecution is that the de facto complainant got married to one Paraman in the year 2002 and out of the said wedlock, they were blessed with two sons and were residing at SNT Complex, Ottanchathiram in a rental house. On 07.06.2020 around 6:00 p.m., the de facto complainant went to a nearby shop along with her son for purchase and later she went to her sister's home. When she returned back home, she was shocked to see that her husband had committed suicide by hanging himself. She also came to know that her husband has written a note stating that he had borrowed loans from various persons including Kittan, Sathishkumar/ petitioner herein, to whom he had repaid interest amount more than the principal amount he had borrowed from them and due to the pressure exerted by them for repaying the amount borrowed, he decided to commit suicide. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence and he has been falsely implicated in this case.

5. I have heard the learned counsel appearing on either side and perused the materials on record.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Ottanchathiram, and on his executing 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 Magistrate concerned;

[b] The petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation;

[c] The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[d] 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

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



5. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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18/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, OTTANCHATHIRAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ODDACHATHIRAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6330 of 2020
Date :18/06/2020

STS
AE/PN/SAR-III (22.06.2020) 3P 5C