



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) .Nos.8686 & 8880 of 2020

Arumugam	... Petitioner/2 nd Accused in Crl.OP(MD) No.8686 of 2020
Akbar	... Petitioner/Accused No.1 in Crl.OP(MD)No.8880 of 2020

Vs

The State Represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.1183 of 2020).

... Respondent/Complainant
in both Crl.OPs.

In Crl.OP(MD) No.8686 of 2020

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

In Crl.OP(MD) No.8880 of 2020

For Petitioner : Mr.A.K.Hemaraj,
Advocate.

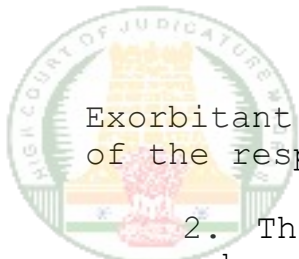
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.1183 of 2020 on
the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 306 of
I.P.C. r/w Section 4, 9 of Tamil Nadu Prohibition of Charging



Exorbitant Interest Act, 2003, in Crime No.1183 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are arrayed as A-1 & A-2 and one deceased, Manikandan @ Balakrishnan, who is the husband of the defacto complainant. The deceased has borrowed a sum of Rs.1 Lakh from A-1 and failed to repay the amount. Hence, the petitioners said to have demanded money and also scolded the deceased by abusing filthy language. Due to the frustration, the deceased has committed suicide. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that they are innocent persons and they have not harassed the deceased. Due to money dispute, a false case has been preferred by the defacto complainant.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Considering the facts and circumstances of the case and also considering the fact that the deceased has borrowed money from A-1 and failed to repay the same and the petitioners said to have demanded the money from the deceased and therefore, the deceased has committed suicide and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

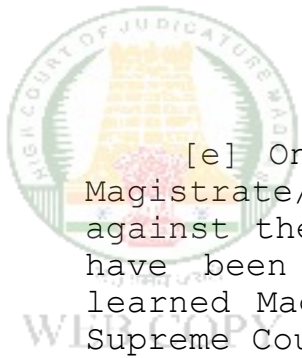
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate, Aranthangi, and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/08/2020

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/ /2020
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, ARANTHANGI.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD).Nos.8686 & 8880 of 2020
Date :27/08/2020

KSA
AE/PN/SAR-II (02.09.2020) 3P 5C