



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

Date : 23/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12453 of 2020

M.Raja

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.1565/2020

... Respondent/Complainant

For Petitioner : Mr.S.Namasivayam,
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.1565 of 2020 on the file of
the Respondent Police

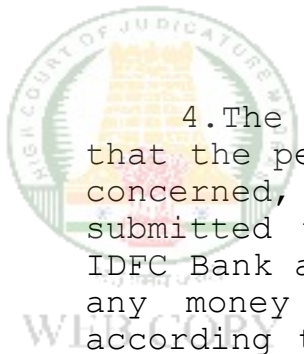
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at
the hands of the respondent police for the offences punishable under
Section 174 of Cr.P.C., r/w Sections 294(b), 452 and 306 of IPC,
in Crime No.1565 of 2020 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the victim borrowed loan
from the IDFC Bank for the purchase of electronic goods.
Thereafter, due to COVID-19 pandemic situation, the victim failed to
pay some installments. Therefore, the petitioner and other accused
persons and the employees of the IDFC Bank visited the victim's
house and demanded installment and abused him by using filthy
language. Therefore, the victim got humiliated and committed
suicide. Hence, the present complaint.

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

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned counsel appearing for the petitioner submitted that the petitioner has been arrayed as A3. Insofar as A1 and A2 are concerned, they were arrested and released on bail. He further submitted that the petitioner being the collection Manager of the IDFC Bank and he never visited the victim's house and never demanded any money from the victim. He further submitted that even according to the prosecution the agents A2 and A3 have visited the victim's house in respect of the one time settlement. He further submitted that the occurrence took place on 27.08.2020 and A1 and A2 were arrested and released on bail. Therefore, the custodial interrogation of the petitioner does not require. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are three accused in this case, in which, the petitioner has been arrayed as A3. He further submitted that the petitioner is working as Collection Manager of IDFC Bank and he also visited the victim's house along with other accused persons and demanded installment from the victim. Thereafter, they abused him by using filthy language. Therefore, the victim got humiliated and committed suicide by consuming poison and died while going to the Hospital. He further submitted that A1 and A3 were arrested and subsequently, they were released on bail.

6.Considering the facts and circumstances of the case and also considering the fact that A1 and A2 were arrested and subsequently they were released on bail and the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai, on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> investigation or trial;



(d)the petitioner 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 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;

(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/11/2020

/ TRUE COPY /

/ /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,
VADIPATTI, MADURAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-7678[I] dated 26/11/2020)

ORDER
IN
CRL OP(MD) No.12453 of 2020
Date :23/11/2020

vsg

<https://hccvjcepc.org.in/CaseDetails.aspx?CaseNo=2020/3P/6C>