



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

Date : 31/12/2020

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16120 of 2020

C.Selvam

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
Crime No.320 of 2020

... Respondent/Complainant

For Petitioner : Mr.J.Senthilkumar,
Advocate.

For Respondent : Mr.Seenivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.320 of 2020 on the file of
the Respondent

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 174 @
306 IPC., in Crime No.320 of 2020 on the file of the respondent
police, seeks anticipatory bail.

3.A reading of the First Information Report shows that the
deceased was in severe financial stress, since he had borrowed money
from several persons. As per the allegations made in the FIR, it is
seen that on 15.12.2020 at about 11.45 am., the petitioner along
with some other persons went to deceased house and demanded return
of money, when the deceased was not in the house. They also used
some abusive words, and cursed him to hang himself. Except this



allegation, no other overt act has been attributed against the petitioner.

4. Even though the petitioner lent some money to the deceased, he would not have intended the deceased to commit suicide, by his curse and abusive words. The facts and circumstances of the case clearly shows that the deceased was under financial stress and he was under mental stress. Considering the nature of the circumstances and the overt act attributed against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Rameswaram 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 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 two weeks and thereafter, as and when required for interrogation.

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

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

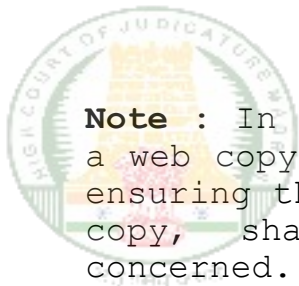
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
31/12/2020

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, RAMESWARAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16120 of 2020
Date :31/12/2020

RMK/IAS
TK/VR/SAR.4/05.01.2021/3P/5C