

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.613 of 2021

1. Sugdhash Lala
2. Sharmila S

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Ariyoor Police Station,
Vellore District.
(Crime No.1398 of 2020)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1398 of 2020 pending on the file of the respondent.

For Petitioners : Mr.Vinodh Kumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 and A2. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 174 of Cr.P.C. and altered into Section 306 of I.P.C. in Crime No.1398 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the deceased is own sister of petitioners. She had borrowed money from the petitioners and failed to repay the same. Hence, she was abused and scolded by the petitioners. Due to the same, she has committed suicide. Hence, the present complaint has been filed against the petitioners.

3. The learned counsel appearing for petitioners submitted that the deceased had borrowed huge amount from various parties. He would submit that the petitioners have lent only a sum of Rs.25,000/- and when they asked her to repay the amount, there was a wordy quarrel between them, apart from that, they have not committed any offence. He would submit that the deceased borrowed huge amount from third parties, when they demanded repayment, she had committed suicide. He would also submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a

false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the deceased is being a own sister, the petitioners have abused her and and also threatened her for non-payment of loan amount, as a result of which, the deceased has committed suicide. He would submit that there are no previous cases pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that the occurrence was taken place due to money dispute between brothers and sister and when they demanded the deceased to repay the loan amount, out of frustration, she had committed suicide, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Vellore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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];

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

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

-sd/-

20/01/2021

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ARIYOOR STATION,
VELLORE DISTRICT.

CC to M/S. VINODH KUMAR Advocate on payment of necessary charges Sr.607

CRL OP.613/2021

Date :20/01/2021

RVR 25/01/2021

WEB COPY