

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.5888 of 2021

1 SIVARAMAN [PETITIONERS / ACCUSED]
2 NANDHAKUMAR @ NANDHAGOPAL

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT
(CRIME NO.1747 OF 2020)

For Petitioner : M/S.G.VINODHKUMAR Advocate

For Respondent : M/S. P.KRITIKA KAMAL Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 323, 341, 294(b) and 306 IPC, in Crime No.1747 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband obtained a hand loan for a sum of Rs.60,000/- from Sri Sai Baba Auto Finance to develop his business. Due to flaw in his business, he was unable to repay the amount. Hence, the petitioner along with other accused persons had entered the house of the defacto complainant and taken her husband to their office and obtained a signature in an empty bond and threatened him to pay Rs.1,20,000/- as interest and principal amount without 3 months. Thereafter, the deceased took the extreme step to commit suicide by hanging. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners along with other accused persons had abused and attacked the deceased, thereafter, the deceased took the extreme step to commit suicide by hanging. She would further submit that there is no previous case pending against the petitioners. However, she vehemently opposed grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Gudiyatham, Vellore District, on condition that each of 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 the police officer who intends to arrest or 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 Court concerned 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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]; and;

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

-sd/-
15/04/2021

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,
GUDIYATHAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges SR NO.4767

CRL OP.5888/2021

MK:27/04/2021

Date :15/04/2021

WEB COPY