

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.5871 of 2021

THANGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MOONGITHURAIPATTU POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.787 OF 2020.

For Petitioner : M/S. D.HARIKRISHNAN 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 petitioner, who apprehends arrest for the alleged offence under Section 174 Cr.P.C altered into 420 & 306 of IPC in Crime No.787 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that, the petitioner obtained Rs.2,00,000/- from the deceased promising that he would arrange to get bank loan to the deceased in a private concern. Thereafter, neither bank loan was arranged nor the amount was returned. The deceased gave this amount to the petitioner without the knowledge of her husband. When the same came to the knowledge of her husband, he questioned, for which she committed suicide. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner did not commit any mistake as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would submit that the petitioner is ready to deposit Rs.40,000/- to the credit of crime No.787 of 2020. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner along with four others received the money from the deceased without the knowledge of her husband who is working abroad. When the husband questioned about the money, the deceased committed suicide. He further submitted that already A1 to A4 were arrested and released on bail by the Sessions Court, Villupuram.

6.Taking into consideration the facts and circumstances of the case and also that the petitioner is ready and willing to deposit Rs.40,000/- to the credit of Crime No.787 of 2020, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.787 of 2020 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sankarapuram, within a period of 15 days from the date of receipt of a copy of this order, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.787 of 2020 and on such deposit the learned Magistrate shall disburse the amount to the husband of the deceased after obtaining appropriate affidavit;

[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 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.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOONGITHURAI PATTU POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S. D.HARIKRISHNAN Advocate on payment of necessary charges SR NO.4782

CRL OP.5871/2021

Date :15/04/2021

MK:21/04/2021