

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7189 of 2021

1 UMA
2 SIVA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
PERIYAPALAYAM,
TIRUVALLUR DISTRICT
CRIME NO. 111 OF 2021

[RESPONDENT]

For Petitioner : M/S.D.DEVENDRAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government 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 punishable under Sections 294(b), 306, 116 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Tamil Nadu Prohibition of charging Exorbitant Interest Act, 2003, in Crime No.111 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the deceased Chithra borrowed hand loan of Rs.5,000/- from one Geetha (A1) and paid interest of Rs.3000/- per month for few months and after six months she repaid the entire amount Again the deceased had borrowed a hand loan for Rs.55,000/- from one Mala, but failed to pay the principle amount as well as interest. Therefore, there was wordy altercation between them, in which the petitioners along with three other accused persons abused the deceased using filthy language. Due to which the deceased got mental agony and consumed poison. She was admitted in the Tiruvallur Government Hospital,

where she gave statement against these petitioners and three other accused persons and thereafter she died. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution. The deceased borrowed hand loan and failed to repay the same. When they asked to return the same, she consumed poison. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that in a wordy altercation between the deceased and A1 and A5, the petitioners abused the deceased using filthy language. Hence, due to mental agony, she consumed poison and thereafter she died. He further submitted that there is no previous case as against these petitioners.

5.Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate that no previous case is pending 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, Utthukottai, Tiruvallur District, on condition that the petitioners shall execute a separate 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/-
27/04/2021

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,
UTTHUKOTTAI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
PERIYAPALAYAM, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.DEVENDRAN Advocate on payment of necessary charges

CRL OP.7189/2021

Date :27/04/2021

MN-06/07/2021