

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7658 of 2021

1. Geetha
2. Rekha

... Petitioners

Vs.

The State Rep by
Its Inspector of Police
Periyapalayam Police Station,
Periyapalayam
Tiruvallur District.
Cr.No.111 of 2021.

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.111 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.D. Devendran

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The first and second petitioners were arrested on 28.03.2021 and 29.03.2021 respectively and remanded to judicial custody for the offences under Section 294(b), 306, 116 of I.P.C and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and TN Prohibition of Charging Exorbitant Interest Act, 2003 in Cr.No.111 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased borrowed money from the petitioners and the petitioners demanded huge interest for the borrowed money, due to which the deceased committed suicide by hanging. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submit that the petitioners only demanded money which they have lent for the deceased. Apart from that they have not committed any offence and they have been falsely implicated in this case. Further, the petitioners have been in jail for more than 50 days. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners demanded huge interest for the money lent by them, due to which the deceased committed suicide. She further submits that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Utthukottai, Tiruvallur District** and on further condition that:

(a) 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
COURT, UTTHUKOTTAI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

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

CRL OP.7658/2021

Date :30/04/2021

TA-03/05/2021



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