

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9201 of 2021

1.R.Mariammal
2.Balaji @ J.P.

... petitioners

Vs.

State rep. By:
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
(Crime No.330 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.330 of 2021 on the file of the Respondent Police.

For petitioner : Mr.N.Ramesh

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate.

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 306 and 506(ii) of IPC r/w Section 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.330 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased had borrowed Rs.2,50,000/-from A1 in the year 2015. Due to financial constrain, he could not repay the loan along with interest. A1 demanded money from the deceased with exorbitant interest. With regard to this the petitioners herein abused the defacto complainant's husband using filthy language and criminally intimidated the deceased and the abetted the deceased to commit suicide. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. They have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate would submit that there are totally three accused. A1 and A2 are parents of A3. The deceased is aged about 44 years. The defacto complainant is the wife of the deceased. Due to money dispute, A1 has abused the deceased using filthy language and thereby abetted the deceased to commit suicide by hanging. He further submitted that investigation is still pending.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order before the learned X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the 1st petitioner being aged lady shall report before the respondent police, as and when required for interrogation.

the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
13/05/2021

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
P-2, OTTERI POLICE STATION,
CHENNAI.

CC to M/S.N.RAMESH Advocate on payment of necessary charges

CRL OP.9201/2021

Date :13/05/2021

TA-02/07/2021

WEB COPY