

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.20201

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.11736, 12003 & 16385 of 2020

M.Selvanathan

... Petitioner in  
Crl.O.P.No.11736 of 2020

R.Prabhu

... Petitioner in  
Crl.O.P.No.12003 of 2020

K.Jawahar

... Petitioner in  
Crl.O.P.No.16385 of 2020

Vs.

The State rep. by  
The Inspector of Police,  
Kundadam Police Station,  
Tiruppur.  
(Crime No.827 of 2020)

... Respondent in  
all Crl.O.P.s

COMMON PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.827 of 2020 pending on the file of the respondent.

For Petitioners : Mr.Sheik Ismail  
in all Crl.O.P.s

For Respondent : Mr.S.Karthikeyan  
in all Crl.O.P.s Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A3. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 306 of I.P.C. in Crime No.827 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners are collection agents of Axis Bank. The deceased said to have borrowed loan from the bank and failed to repay the amount. When the petitioners are collection agents, they have approached the defacto complainant at his house and demanded money. Due to which, feeling ashamed of the same, the defacto complainant's father said to have consumed some tablets and committed suicide. Hence, the present complaint has been filed.

3. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

4. Taking into consideration of the fact that the petitioners are only collection agents of Axis Bank, in which, the deceased said to have borrowed loan and the petitioners have only demanded to repay the loan amount, due to which, feeling ashamed of the same, the defacto complainant's father said to have consumed some tablets and committed suicide, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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, Dharapuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[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 petitioners shall appear before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond 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 229A IPC.

5. With the above directions, these Criminal Original Petitions are ordered.

-sd/-  
11/01/2021

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,  
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
KUNDADAM POLICE STATION,  
TIRUPPUR.

CC to M/S. SHEIKH ISMAIL Advocate on payment of necessary charges

Cr1.O.P.Nos.11736, 12003 & 16385 of 2020

Date :11/01/2021

MK:03/02/2021

WEB COPY