



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20016 of 2021

1 K.KARTHIKEYAN

[PETITIONERS / ACCUSED]

2 K.SARATHKUMAR

Vs

STATE OF TAMIL NADU, REP.BY
THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.
FIR NO.CR.NO.928/2021.

[RESPONDENT]

For Petitioner : M/S. R.PALANIANDAVAN Advocate

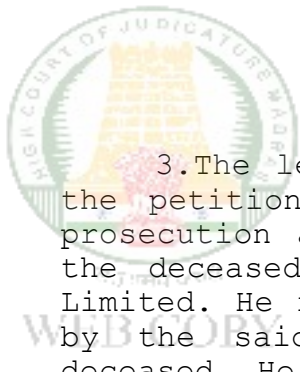
For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Section 306 of IPC in Cr.No.928 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the father of the deceased, namely G.Manoharan, the deceased person obtained a loan in the name of his relative one, Mr.L.Ramakrishnan from TVS Credit Services Limited and paid the instalments regularly. While being so, before 3 months, the petitioners along with other accused person/representatives of TVS Credit Services Limited threatened the deceased regarding payment of the tractor loan instalment and thereafter, the relative of the deceased sent a legal notice. The petitioners also abused and threatened the deceased due to which, the deceased/son of de-facto complainant consumed pesticide and reached the TVS Finance and fainted. Thereafter, he was taken to the hospital, but he passed away on 24.09.2021. Hence, the Law Enforcing Agency registered a case against the petitioners and other accused person, based on the complaint lodged by the de-facto complainant.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the loan was availed by one, Mr.L.Ramakrishnan and the deceased is in no way connected with the TVS Credit Services Limited. He further submitted that even in the unsigned notice issued by the said Mr.L.Ramakrishnan, there was no mention about the deceased. He further submitted that the co-accused has been enlarged on bail in Crl.O.P.No.19094 of 2021 dated 08.10.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the petitioner along with other accused person abused and threatened the de-facto complainant's son, due to which he was subjected to mental stress and consumed pesticide. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and since the co-accused has already been granted bail, 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-II, Kanchipuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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.

WEB COPY

-sd/-

27/10/2021

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,
NO.II, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHIPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S. R.PALANIANDAVAN Advocate on payment of necessary charges SR.No.11930

CRL OP.20016/2021

Date :27/10/2021

APN 28/10/2021