



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20771 of 2021

CHAIN SURESH @ SURESH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM DISTRICT.
CR.NO. 397 OF 2019,

[RESPONDENT]

For Petitioner : M/S. M.DEVARAJ Advocate

For Respondent : MR. 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 petitioner, who apprehends arrest for the alleged offence under Section 174 altered to 306 IPC in Cr.No.397 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased in her complaint has alleged that her husband had started Jewelry business along with other two accused persons and they were partners in the said business subsequently, there was loss in the business due to which the other accused persons and the petitioner continuously demanded an amount of Rs.30,00,000/- from the defacto complainant's husband and thereafter, due to mental stress and agony her husband committed suicide and died. Thereby, the wife of the deceased/defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that it is purely a money dispute between the petitioner and the deceased and furthermore submits that the deceased owes money to the petitioner, however the deceased owes money to the other accused persons and as such the other creditors also have requested to pay the money. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) submits that deceased and other accused persons were business partners and due to loss in the business, the petitioner continuously demanded a sum of Rs.30,00,000/- from the deceased and due to the mental stress, the deceased committed suicide. He further submits that investigation is pending in this case. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Salem on condition that the petitioner 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 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 anticipatory 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/-
02/11/2021

WEB COPY

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.3,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. M.DEVARAJ Advocate on payment of necessary charges
SR.NO.12401

CRL OP.20771/2021

Date :02/11/2021

INBA-16/11/2021