



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2003 of 2021

1. Balaji
2. Murali Srinivasan
3. Muthulakshmi
4. Revathi

... Petitioners/Accused
(Rank Not Known)

Vs

State Represented by
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District
(Crime No. 1312 of 2020).

... Respondent/Complainant

M.Mareeswari

... Petitioner/Intervener/Informant

For Petitioners : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.N.Dilip Kumar, Advocate

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

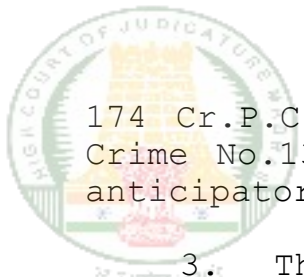
PRAYER :- For Anticipatory Bail in Crime No.1312 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offence initially registered under Section

<https://hcservices.ecourts.gov.in/hcservices/>



174 Cr.P.C., now altered into one under Section 306 of IPC., in Crime No.1312 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the defacto complainant's husband deceased Muthumaheswaran was doing finance business, he borrowed a sum of Rs.4,00,000/- from a retired police officer viz., Venkatachalam and his son Balaji for his business and he returned more than Rs.10 lakhs to them towards principal and interest. Even thereafter, they demanded more money from the deceased and also tortured. In the meanwhile, based on the complaint of the petitioners, on 12.12.2020, the deceased was called for enquiry. Unable to bear such torture, the deceased committed suicide by consuming poison. During investigation the police seized suicide note alleged to have been written by the deceased, specifically alleging that the deceased was induced to commit suicide. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they did not commit any offence, as alleged by the prosecution. He would further submit that since the deceased failed to return the matured chit amount, the petitioners given a complaint to the EOW and when the deceased called for enquiry, which might have resulted in an apprehension in him that he will be punished, and therefore, the deceased committed suicide by consuming poison. Therefore, the learned counsel prays for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervener would submit that the petitioners subjected the deceased and his family members continuous torture and threats. Unable to bear such torture, the deceased committed suicide. He would further submit that in the event of petitioners granted the relief of anticipatory bail, they would scuttle the investigation, since one of the accused is a retired Police Officer. Hence, he prayed for dismissal of the petition.

6. The learned Government Advocate (crl.side) appearing for the State submitted that the defacto complainant's husband deceased Muthumaheswaran was doing finance business, he borrowed a sum of Rs.4,00,000/- from a retired police officer viz., Venkatachalam and his son Balaji, for his business and he returned more than Rs.10 lakhs to them towards principal and interest. Even thereafter, they demanded more money from the deceased and also tortured. Unable to bear such torture, the deceased committed suicide by consuming poison. During investigation the police seized suicide note alleged to have been written by the deceased, specifically alleging that the deceased was induced to commit suicide. Hence, he prayed for dismissal of the petition.



7. Considering the rival submissions and on perusal of the materials it is seen that the deceased written a suicide note on 13.12.2020. The deceased was running an unregistered chit along with his wife and father-in-law. The petitioners, who are subscribers to the unregistered chit was not paid of their matured chid amount. Thereafter, they lodged the complaint to the EOW and since no action was taken, the petitioners approached this Court in filing W.P.(MD)No.18033 of 2020. Pursuant to the direction of this Court, the EOW registered the case and summon was served to the deceased to appear on 15.12.2020 which triggered and the deceased had committed suicide. Further, on perusal of the suicide note, it is mentioned that the deceased on an earlier occasion had attempted to commit suicide along with his family members and he was saved. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivakasi, 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 respondent Police or to 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 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 10.00 a.m for a period of two weeks for interrogation, 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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-1080[I] dated 17/02/2021)

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-1103[I] dated 17/02/2021)

ORDER
IN
CRL OP(MD) No.2003 of 2021
Date :16/02/2021

MPK

AE/JC/SAR-I (19/02/2021) 4P / 7C