



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/04/2021
PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4777 of 2021

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R.Shanmugadurai, ... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
(Cr.No.195/2021).

... Respondent/Complainant

For Petitioner : M/s.Murugesan.M.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

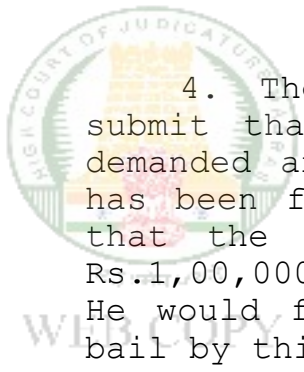
C-33B.For Anticipatory Bail in Crime No.195 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A.3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 306 I.P.C., subsequently altered into under Sections 306 I.P.C., and Sections 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.195 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. The case of the prosecution is that the defaco complainant's husband viz., Suresh borrowed amounts as loan from the accused and the accused frequently demanded and tortured him to return the loan amount and due to the torture, the defacto complainant's husband committed suicide by hanging and hence, the present complaint has been registered.



4. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and the petitioner never demanded any amount from the defacto complainant's husband and he has been falsely implicated in this case. He would further submit that the petitioner is ready to make Court deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) towards victim's compensation. He would further submit that the co-accused has been released on bail by this Court in CrI.O.P.(MD)No.5031 of 2021, dated 01.04.2021.

5. The learned Government Advocate (CrI.side) would submit that the defacto complainant's husband borrowed huge amount from the accused and he did not repay the amount and when the accused demanded the same, he committed suicide.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner has voluntarily come forward to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), towards victim's compensation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) towards Court deposit to the credit of Cr.No.195 of 2021 without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties and the said amount shall be disbursed at the end of the trial to the defacto complainant.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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]**.

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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08/04/2021

/ TRUE COPY /

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

SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
KOVILPATTI,THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4777 of 2021
Date :08/04/2021

VB/SMA/SAR1/17.04.2021 : 3P/5C