



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.5032 of 2021

Manoj ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No.195 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

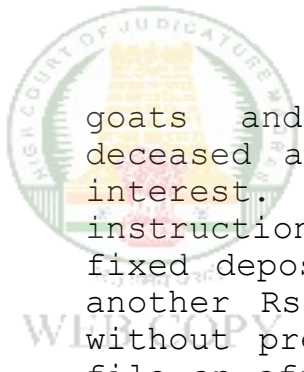
For Bail in Crime No.195 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 23.02.2021 for the offences punishable under Sections 306 of IPC @ Section 4,9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 on the file of the respondent police seeks bail.

2. The deceased is the husband of the defacto complainant. The case of the prosecution is that the deceased borrowed a sum of Rs.90,000/- from the petitioner to purchase goats and he did not repay the amount in time, due to which the petitioner along with other accused often used to visit the house of the deceased and tortured him by demanding exorbitant interest and due to the torture the deceased committed suicide by hanging. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner gave money to the deceased to purchase



goats and he did not give any amount as loan for interest to the deceased and there is no necessity for him to demand exorbitant interest. Further the learned counsel for the petitioner, on instructions, from the client submitted that he is ready to make a fixed deposit Rs.50,000/- in favour of the defacto complainant and another Rs.50,000/- in favour of the minor child of the deceased without prejudice to his right and defence and also undertakes to file an affidavit that he will not disturb the defacto complainant and her family members in any manner, make any claim or be a disturbance to her in any manner.

4. The learned Government Advocate(Crl.Side) would submit that the deceased and his wife were working in a oil mill company. The deceased borrowed a sum of Rs.90,000/- from A1 to purchase goats, but he did not repay the amount in time, for which the petitioner along with other accused said to have frequently visited the house of the deceased and tortured him by demanding exorbitant interest. Unable to bear the torture the deceased committed suicide by hanging, hence he opposed to grant bail to the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioner has voluntarily come forward to deposit Rs.1,00,000/- in favour of the deceased family and file an affidavit of undertaking this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail 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 learned Judicial Magistrate No.I, Kovilpatti.

i) While executing sureties the petitioner shall produce the two fixed deposit for a sum of Rs.50,000/- totalling to Rs. 1,00,000/- to the concerned Magistrate and the Magistrate in turn shall hand over the same to the defacto complainant

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

iii) after release with in a period of one week the petitioner shall file an undertaking affidavit before the concerned Court stating that he will not disturb the defacto complainant any more and he will not demand any money.

iv) 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.



v) the petitioner shall not tamper with evidence or witness.

vi) the petitioner shall not abscond during trial.

vii) 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].

viii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

ix) the payment of fixed deposit to the family members of the deceased is on a humanitarian contribution, not to be construed otherwise, affecting the right and defence of the petitioner.

sd/-

01/04/2021

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

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 THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.

4. THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.

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

ORDER IN

CRL OP(MD) No.5032 of 2021

Date : 01/04/2021

AAV

<https://hccpcr.cer.nic.in/Services/4.2021/3P/6C>