



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL.OP.(MD).Nos.7727 & 11898 of 2021

Ameer Amsa ... Petitioner/Accused Rank Not Known
in Crl.OP(MD).No.7727 of 2021

S.Jawahar Nisha ...Petitioner/Accused Rank Not Known
in Crl.OP(MD).No.11898 of 2021

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.

(Crime No.356/2021) ... Respondent/Complainant in both petitions

For Petitioners : Mr.M.Suresh, Advocate.
(In Crl.OP(MD.No.7727 of 2021)
Mr.S.Kanagarajan, Advocate
(In Crl.OP.(MD).No.11898 of 2021)

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
(In both petitions)

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

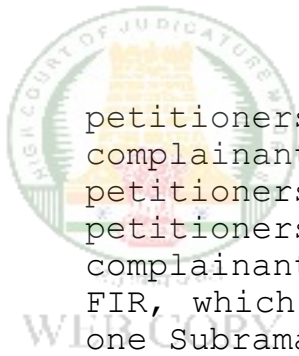
PRAYER :-

For Anticipatory Bail in Crime No.356 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Section
306 of I.P.C in Crime No.356 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto
complainant/Manimegalai has borrowed a sum of Rs.2 lakhs as loan
from <https://hsrtdms.ecourt.gov.in/Assets/Services/>, who is none other than the brother of the



petitioners herein. Due to Covid-19 pandemic situation, the defacto complainant could not pay the interest for the said loan amount. The petitioners have been frequently asking the interest amount from the petitioners for the said loan and also abused the defacto complainant in filthy language. The above reason is alleged in the FIR, which is the root-cause for the defacto complainant's husband, one Subramania Pillai committing suicide.

3. The learned counsel for the petitioners would submit that the defacto complainant and her husband are all tenants in the petitioners' house for the past 5 years. They have also borrowed some amount from the petitioners for some emergent needs and executed a pronote and thereafter, the defacto complainant did not repay the amount.

4. The learned Government Advocate (Crl.Side) would submit that it is true that the defacto complainant is the wife of the deceased and they have also borrowed a sum of Rs.2,00,000/- from the petitioners' brother. But, they did not repay the amount and also had arrears of rent to be payable to the petitioners. Due to which, there was some wordy quarrel between the petitioners and the defacto complainant. Consequently, her husband had committed suicide.

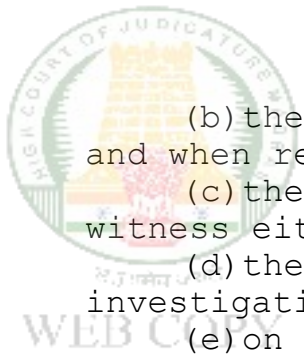
5. The learned Government Advocate (Crl.Side) confirms that on verification, it was found that apart from this transaction, the petitioners are not usual money lenders.

6. The learned counsel for the petitioners submits that these petitioners are old persons and suffering from health ailments.

7.Considering the nature of allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. The petitioners are the brothers of the land lord. The persons who have demanded money along with these petitioners have been granted anticipatory bail, In view of the same, the petitioners are also granted anticipatory bail.

8. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;



(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with the 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/-
01/09/2021

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

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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, Melur, Madurai District.
2. Do Through The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Othakadai Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL.OP.(MD).Nos.7727 & 11898 of 2021
Date : 01/09/2021

TR/JC/SAR-IV(06.10.2021) 3P 5C