



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

Date : 06/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8822 of 2021

Venkatachalam

... Petitioner/Accused
Rank Not Known

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory Bail in Crime No. 1312/2020 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
174 Cr.P.C., altered into Section 306 IPC in Crime No.1312 of 2020,
seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's
husband Muthumaheswaran was doing finance business. He borrowed
Rs.4 Lakhs from the petitioner and his son Balaji. He was paying
interest for the said amount. So far, he paid more than Rs.10 Lakhs
as interest. Even thereafter, the accused in this case had been
pressing him for paying money and they also gave complaint against
the defacto complainant's husband. On the basis of the same,
summons were sent him from Superintendent of Police, Virudhunagar
District on 12.12.2020. After receipt of summon, the deceased felt
bad and committed suicide on 13.12.2020. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. In fact, the petitioner's son filed petition in W.P.(MD)No.18033 of 2020 for initiating criminal action on the basis of the complaint dated 05.11.2020. On the basis of the order passed, summons were issued by the Economic Offences Wing, Virudhunagar to the deceased for appearance on 15.12.2020 for enquiry. After receipt of summon, he committed suicide. It is further submitted that the co-accused had been granted anticipatory bail in this case vide order made in Crl.O.P.(MD)No.2003 of 2021, dated 16.02.2021.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he conceded that anticipatory bail was granted to the co-accused in this case.

5.It is seen that in money dispute, a summon was sent by the Economic Offences Wing to the deceased for his appearance for enquiry. After receipt of summon, he had been committed suicide. As of now there is no material to show that this petitioner has induced the deceased to commit suicide.

6.Considering the fact that co-accused were granted anticipatory bail and the fact that this case was registered on 14.12.2020 and therefore, substantial part of the investigation could have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on 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.I, Sivakasi, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[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 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/07/2021

/ TRUE COPY /

/ /2021
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, SIVAKASI.

2.DO THROUGH 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 M/s.A.THIRUVADIKUMAR, Advocate (SR-4364[I] dated 07/07/2021
ORDER
IN
CRL OP(MD) No.8822 of 2021
Date :06/07/2021

GNS

TK/MNR/SAR.3/08.07.2021/3P/6C

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