



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

Date : 26.07.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9635 of 2021

N.Aandar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
In Crime No.312 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.VENKATESHWARAN, Advocate
For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.312 of 2021 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 of the Code of Criminal Procedure @ Section 306 IPC in Crime No.312 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased/Murugan. The deceased borrowed money from the accused. On 20.06.2021, at about 07.00 am, all the three accused including this petitioner, had come to the house of the defacto complainant and threatened her husband to pay the amount lent to him with interest and her husband told that because of Corona, he was not able to work and pay the amount. The accused threatened to pay the amount within two days. Later, on 22.06.2021, at about 11.30 am, he was found dead by hanging at Vaguthu Malai, Oonan Ootthu. Hence, the complaint. Originally this case was registered under Section 174 of Cr.P.C. Now this case is altered to section 306 IPC.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He further submitted that he had only given hand loan to the deceased. Due to the Corona situation and due to the fact that he was also short of fund, he requested the deceased to return the money. He was noway responsible for his suicide. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate opposed this petition on the ground that now this case is altered to Section 306 IPC. There are three accused and this petitioner is the first accused and the main accused in this case. Investigation in this case is not yet completed. Therefore, he seeks dismissal of this petition.

5. As per the allegations made, this petitioner along with co-accused said to have threatened the deceased demanding interest and interest on interest. The deceased explained to them that he was not able to return the money due to Corona situation and he promised to return the money if he is given some time. However, the accused gave only two days time and made criminal intimidation. Because of that criminal intimidation, her husband committed suicide. It is seen from the submissions of the learned Government Advocate that investigation in this case is not completed. Only if the petitioner is arrested, his role and role of other accused in abetting the deceased to commit suicide will be known. In such facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/07/2021

/ 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.



1. THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.9635 of 2021

Date : 26/07/2021

SA/JC/SAR.4/30.07.2021/3P/3C