



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

Date : 23/07/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9890 of 2021

Gurunathan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
Crime No.182 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.K.RAMAKRISHNAN, 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.182 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 of Cr.P.C., @ Section 306 of IPC r/w. 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.182 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased Raghunathan. The deceased had borrowed more than Rs.One Crores from various persons, including this petitioner also. subsequently, he could not able to repay the amount. In the meanwhile, the petitioner and others, gave mental agony to the deceased, due to the pressure, the de-facto complainant's husband committed suicide. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is working as a Sub-Inspector of Police in the Central Reserve Police and he is alleged to have introduced A-1 to the



deceased. He further submitted that the deceased had borrowed money from A-1 and thereafter, he was unable to pay back the amount, due to which, the deceased said to have committed suicide.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that the deceased had written a suicide note, in which, the name of the petitioner herein was also mentioned.

5.Taking into consideration the facts and circumstances of the case and the fact that the petitioner is working as a Sub-Inspector of Police in the Central Reserve Police, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.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.2, Thoothukudi, 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 the respondent police, daily at 10.30 a.m., 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;

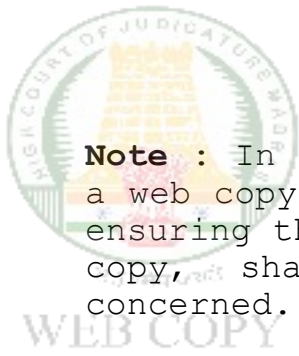
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
23/07/2021

/ 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. 2
THOOTHUKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9890 of 2021
Date :23/07/2021

SA/JM/SAR.2/27.07.2021/3P/5C