



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2122 of 2022

1. Shankar
2. E.Sathish Kumar ...Petitioners
Vs.

The State rep by
The Inspector of Police,
Pudupalayam Police Station,
Tiruvanamalai District.
(Crime No. 380 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 380 of 2021 on the file of the Respondent police.

For Petitioners: Mr.S.Raja Ravi Varma

For Respondent : Mr.N.S.Suganthan
(Government Advocate Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 294(b), 341 & 306 of IPC r/w section 4 of Tamil Nadu prohibition of Charging Exorbitant Interest Act 2003 in Crime No. 380 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased. The petitioners abused and threatened the deceased to return the amount of Rs.20,000/- borrowed from the 1st petitioner and thereafter, due to the harassment made by the accused, the deceased consumed poison and died. Hence, the complaint.



3.The learned counsel for the petitioners would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.147 of 2022 by order dated 06.01.2022 and the petitioners are no way connected with the suicide committed by the deceased and that they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for 85 days from 07.11.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the deceased had borrowed a sum of Rs.20,000/- from the 1st petitioner/A1 and thereafter, the 1st petitioner along with the second petitioner/A2 who is the employee under A1 went to the house of the deceased and abused him in filthy words to return the money and they had also taken away the two wheeler of the deceased. Hence, out of mental depression, the deceased consumed poison and died but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Sengam, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;



(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. As per FIR, the deceased committed suicide due to the harassment committed by the accused. It is seen that the deceased died leaving two little children viz., a girl and a boy and the family of the deceased is suffering without any source of income as per the prosecution. Hence, this Court recommends that it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Tiruvannamalai District, is hereby directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) i.e. Rs.75,000/- each in the name of the two minor children of the deceased under the guardianship of the mother of the deceased, in post office fixed deposit till they attain majority, as interim compensation in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order. The mother of the children is permitted to withdraw the interest accrued till the children attain majority and utilize the same for the welfare of the children.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
SENGAM, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT.[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE,
VELLORE DISTRICT.

4 THE INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

1 THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

2 THE SECRETARY,
LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

3 THE OFFICER INCHARGE,
THE LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI.

4 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

+1 CC to M/S M.SATHISH KUMAR Advocate on payment of necessary
charges SR.NO.1708

CRL OP.2122/2022

Date :02/02/2022

RW 03/02/2022