



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3239 of 2022

RADHA ALIAS RAJALAKSHMI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KAIRLABATH POLICE STATION,
ARIYALUR DISTRICT.
(CRIME NO.157/2021)

[RESPONDENT]

For Petitioner : M/S.V.ILLANCHEZIAN Advocate

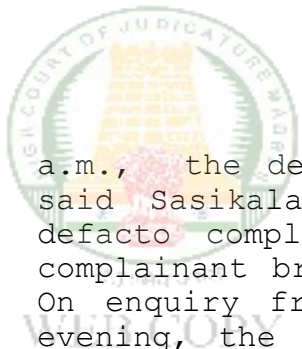
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 174 of Cr.P.C @ into 306 of I.P.C. in Crime No. 157 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Kannan son of Chinnathambhi is the complainant stating that he is working as a Manager in a Private Company at Perambalur. His brother Kokanjinathan is residing at Lakshmi Nagar Kairlabath Village along with his wife Sasikala and they have two children. His brother Kolanjinathan is doing a coolie work at Chennai. His brother's wife is in the village and taking care of the children. She knows typing and she was working at Krishna Type Center which is situated at opposite side of the Court at Ariyalur. At that time, one Advocate Iniyavan came to know her, during the typing work, the said Advocate advised the said Sasikala to bring cheque leaf and pronote along with documents to obtain agricultural loan. No loan was obtained but on the other hand the said advocate filed a suit for recovery of money. Six months ago, the advocate convened a panchayat in his office and by way of force he obtained the cheque from the Sasikala. The said cheque was presented through one Ponnammal. While so, on 21.04.2021 at about 8



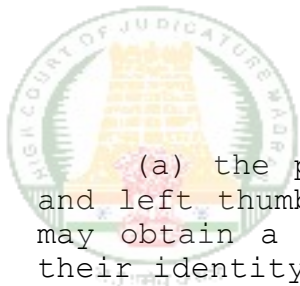
a.m., the defacto complainant sister Selvanayagi informed that the said Sasikala had committed suicide by hanging. Immediately the defacto complainant rushed to the village and found the defacto complainant brother's wife has committed suicide by hanging herself. On enquiry from nearby persons, it was informed that on 20.04.2021 evening, the petitioner and two others came to the village and sat before the house of the deceased for the repayment of the money from the said Sasikala. Thereafter, in the morning, the said Sasikala did not open the door and it was found by the neighbors around that she has committed suicide by hanging. Initially, the case has been registered under Section 174 Cr.P.C. and the same was altered into Section 306 of I.P.C. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the alleged occurrence has happened on 21.04.2021 and as of now a portion of the investigation has been completed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, the submissions made by the learned Government Advocate that during the relevant point of time some of the persons are demanded the deceased to repay the loan availed by her due to which she has committed suicide by hanging. However, he opposed grant of anticipatory bail to the petitioner.

5. The submissions made by the learned Counsels appearing for either side is considered. In general, demanding to repay loan is not an offence, otherwise, on going through the averments found in the First Information Report, there was no specific overt-act against this petitioner. However, the alleged occurrence was happened on 21.04.2021 and for completing the investigation, custodial interrogation may not be necessary. Hence, taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their 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, Ariyalur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 his photographs and left thumb impression in the surety bond and the Court concerned 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 10.00 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]; and;

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

-sd/-

11/02/2022

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-I,
ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAIRLABATH POLICE STATION,
ARIYALUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.ILLANCHEZIAN Advocate on payment of necessary
charges

CRL OP.3239/2022

Date :11/02/2022

CSK 18/02/2022