



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

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

Crl.O.P.No.4567 of 2022

1.A.Suresh
2.R.Prakash

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
(Crime No.1018 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in concerned of an Crime No.1018 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 10.12.2021 for the offences under Section 174 of Cr.P.C in Crime No.797 of 2021 was altered as Crime No.1018 of 2021 for an offence under Section 306 of IPC, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased/Dhatchana and the petitioners were partners. The deceased who is the son of the defacto complainant, took loan from a Finance company for which one Suresh/A1 has to pay the instalments to the company. Thereafter, the deceased failed to pay the chit amount of Rs.13,000/- due to which, the said Suresh/A1 taken the auto of the deceased under his custody and placed it before the respondent police and lodged a complaint for non payment of the chit amount. Subsequently, the complaint was compromised on 27.11.2021, to the effect that the deceased shall pay Rs.13,000/- on 30.11.2021 and can take his auto. Due to mental stress and agony, the said Dhatchana went to the office of the



Superintendent of Police and committed suicide by consuming poison and dead. Hence, the defacto complainant/father of the deceased lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners and the deceased were mere partners and the allegation is against accused/A1, who lodged complaint against the deceased. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the petitioners and the deceased were partners. The deceased borrowed money from the Finance Company through A1 and failed to pay the same, for which A1 took the Auto of the deceased and lodged a complaint. Due to mental stress and pressure given by A1 and the petitioners, the deceased committed suicide by consuming poison. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, if they released on bail they may not abscond or tamper the evidence, this Court is inclined to grant bail to the petitioners with conditions.

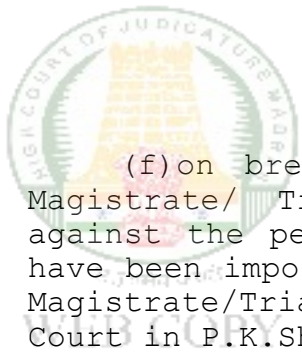
(a) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate's Court, Polur and the petitioners shall deposit a sum of Rs.15,000/-(each) to the credit of crime No.1018 of 2021 before the concerned Court and on such deposit the defacto complainant permitted to withdraw the said amount;

(b)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;

(c) the petitioners shall appear before the respondent police every Wednesday at 10.30 a.m., for a period of three months, until further orders;

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

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



(f) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

09/03/2022

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,
POLUR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.B.VISWANATHAN Advocate on payment of necessary charges SR.No.3625

CRL OP.4567/2022

Date :09/03/2022

CSK 10/03/2022