



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4261 of 2022

ASHOK KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE SUB INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.133/2022)

[RESPONDENT]

For Petitioner :MR.P.G.THIYAGU For M/S. K.UDAYASELVI Advocate

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

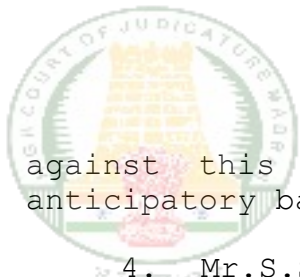
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 174 of Cr.P.C. altered into Section 306 of IPC in Crime No.133 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.02.2022, the defacto complainant lodged a complaint alleging that her husband was a casual worker at HDB Bank and on 02.02.2022, he was found unconscious near Ragavendra Private College as he had consumed poison and he was admitted in the hospital. Thereafter he died on 06.02.2022. According to the defacto complainant, the petitioner and other two persons harassed the deceased by asking him to repay the loan.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However he is ready to abide by any condition as imposed by this Court. It is his specific submission that while at the time the deceased was taking treatment from 02.02.2022 to 06.02.2022, no statement has been recorded from the deceased and only after the death of the deceased, the present case has been registered



against this petitioner and others. Accordingly, he pleads for anticipatory bail to the petitioner.

4. Mr.S.Santhosh, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that investigation is pending. However he admits during the relevant point of time, the petitioner who is the lender demanded the deceased to repay the loan availed by him.

5. The submissions made by the learned counsel on either side are considered.

6. Though the respondent police registered a case against the petitioner and others for the offences punishable under Section 174 of Cr.P.C. altered into Section 306 of IPC, the submissions made by the learned Government Advocate(crl.side) revealed the fact that the allegation levelled against the petitioner is only to demand the deceased to repay the money. It is settled law, demanding to repay the loan is not amount to abetting the commission of suicide. However the same should be verified at the time of trial.

7. Hence, taking note of all the above said aspects in to consideration and the relevant materials and also by considering the nature of involvement of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 Judicial Magistrate No.II, Chidambaram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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. for a period of 30 days and thereafter, as and when required for investigation.

(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/-

21/02/2022

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,
NO.II, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.UDAYASELVI Advocate on payment of necessary charges SR.No.2668

CRL OP.4261/2022

Date :21/02/2022

CSK 22/02/2022