



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9761 of 2022

1 PALANISAMY
2 JAYALAKSHMI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.117/2022)

[RESPONDENT]

For Petitioner : MR.A.NAGARAJAN for M/S M.JAYACHANDRAN 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 petitioners, who apprehend arrest for the alleged offence under Sections 174 Cr.P.C altered into 306 of I.P.C in Crime No.117 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioners herein are accused in a case where one Sakthivel has committed suicide leaving behind a suicide note alleging that the pressure put on him for recovering the money has forced him to take decision of suicide.

3. The learned counsel for the petitioners submit that the son of the deceased has borrowed money from the second petitioner for which suit has been filed. He further submitted that the deceased has already entered appearance much before the occurrence. The said Sakthivel has committed suicide because his son Thirumal has borrowed money from various persons and he was not able to repay the same, which has caused mental agony and depression to the deceased. This petitioner had never physically abused him as alleged in the FIR.



4. This Court after going through the dying declaration and the narration of the incidents finds that, though the deceased has mentioned that this petitioner has forced him to commit suicide, the alleged act of the petitioners, who filed a suit based on the pro-note to recover the money advanced by them cannot not be termed as illegal act or an act to abet to commit suicide.

5. In view of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthangarai on condition that the petitioners shall execute separate bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, 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 petitioners and the sureties shall affix their 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners 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 petitioners in accordance with law as if the conditions has 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;



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

WEB COPY

-sd/-
27/04/2022

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,
UTHANGARAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.JAYACHANDRAN Advocate on payment of necessary charges SR.No.6357

CRL OP.9761/2022

Date :27/04/2022

CSK 04/05/2022