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Crl.O.P.No.22924 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C. @ 306 of IPC in Crime No.139 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Muhamed Roshan is that his sister and brother-in-law due to severe debt had committed suicide by hanging. Based on the complaint given by the *de-facto* complainant, a case was registered under Section 174 of Cr.P.C. Later, during the course of the investigation, it was found that his sister had taken loan from several persons and due to harassment mete out by the persons who have given money to them, they had committed suicide. The petitioner is one among the persons who has given loan to the deceased. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is not a money lender and believing the introduction given by one Surendhar, who is a common friend, he had invested money in the Company started by the 2nd deceased/Mashar Ali. Other than calling the said Mashar Ali on 03.03.2022, the petitioner had not called the 2nd deceased thereafter. He would further submit that the petitioner is residing in Ranipet and the victims were residing at Chennai and there was no requirement of the petitioner to abet suicide of the deceased when they owe money to him. He would reiterate that the petitioner is not a money lender and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is one of the financiers who had given money to the deceased. The petitioner had harassed the 2nd deceased due to which he committed suicide by hanging along with his wife. He would further submit that the call details would show that the petitioner had called the deceased on 03.03.2022 and spoken for about 44



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seconds. Subsequently, even after the death he had continuously called in the mobile phone. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that other than asking for return of money from the relatives of the deceased, the petitioner has not committed any offence of abetting the victims to commit suicide. He would reiterate that last call was made on 03.03.2022, whereas the victims are alleged to have committed suicide on 14.03.2022 after 11 days. After the death of the victims, the petitioner had made calls to the relatives of the deceased in a desperation to get back his money.

6. Heard the learned counsel. Perused the materials collected including the CDR details given by the learned Government Advocate (Crl.side). On perusal of the records it shows that the petitioner other than contacting the victims on 03.03.2022 had not thereafter called the victims, the victims have committed suicide on 14.03.2022, whereas he



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had called much belatedly on 03.04.2022 and on subsequent dates.

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7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the **learned Metropolitan Magistrate No.XVI, Chennai**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.10.2022

mpl



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