



Crl.OP.No.24115 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24115 of 2022

Rakesh,
S/o. Annappan

... Petitioner

Vs.

State rep. By,
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.350/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.350 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.R.Lakshmi Narayanan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 06.09.2022 for the offences punishable under Section 174 of Cr.P.C. and subsequently it was altered into Sec. 306 I.P.C. in Crime No.350 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the husband of defacto complainant borrowed a hand loan of Rs.1 lakh from the petitioner and his brother Sivakumar and later on, when they have given torture to her husband to repay the loan amount along with interest, the defacto complainant's husband sustained mental agony, however, her husband borrowed another loan in and around neighbours and repaid a sum of Rs.1,60,000/- to them. But, even thereafter, they have demanded a sum of Rs.40,000/- and made harassment. Since the said amount was not repaid to them, they took his two wheeler. Hence, a complaint was lodged by her husband to the District Collector, but the petitioner and his brother pacified the issue and brought to her husband. While being so, they have assaulted the defacto complainant's husband to repay the amount and again they have given torture and assaulted



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to get the money. In view of their torture and mental agony, the defacto complainant's husband committed suicide on 05.09.2022. Hence, the defacto complainant lodged the present complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he had been falsely implicated in this case. He would also submit that he was outstation for his personal affairs, but even then, the petitioner was called for enquiry and he was arrested on the same day. He would further submit that only due to personal problems, the husband of defacto complainant committed suicide and the mere harassment without any positive action on the part of accused proximate to the time of occurrence, when led to the suicide would not amount to an offence under Sec.306 of I.P.C. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the husband of defacto complainant had paid the loan amount, even more than that, they have demanded amount. Hence,



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her husband committed suicide. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or



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Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the Inspector of Police, Kaveripattinam Police Station, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though



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bail granted by the learned Judicial Magistrate/Trial Judge himself/herself 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.

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To

1. The learned Judicial Magistrate No.I,
Krishnagiri
- 2.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
3. The Sub-Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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