



Crl.O.P.No.22943 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 alleged offence punishable under Sections 174 Cr.P.C, @ 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 as per the defacto complainant viz. Pavithra is that, her husband had borrowed a sum of Rs.1 lakh from the petitioner / accused and that he had repaid Rs.1,60,000/- towards principal and interest. However, the petitioner / accused tortured her husband to pay Rs.40,000/- more, causing mental agony to the deceased, due to which, the deceased committed suicide by hanging.

3.Learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been lodged against him. He would further submit that there was a financial dispute between the petitioner's family and the defacto complainant's family and that to avoid



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payment, he has committed suicide. He would further submit that the husband of the defacto complainant had borrowed money from several other persons and that he was unable to pay his debts. He has committed suicide only to avoid payment of money to the creditors, but the complaint has been lodged as if the petitioner demanded more money from the defacto complainant's husband. He would further submit that no suicide note has been left by the petitioner. On the oral statement of the defacto complainant, as an after thought a case has been registered. Accordingly, prays for grant of anticipatory bail.

4.Learned Government Advocate (Crl.side) vehemently oppose, stating that the petitioner had lent money to the husband of the defacto complainant and despite repayment of the loan with interest, the petitioner had harassed the victim to pay extra money, due to which, he had committed suicide by hanging. He further added that no suicide note has been left behind. They have registered a case based on the statement recorded from the wife of the deceased.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the materials placed on record, including F.I.R.

6. Taking note of the facts and circumstances and the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate No.I, Krishnagiri, 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



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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;

[b] the petitioner shall stay at Villupuram and report before the Villupuram Town Police Station every day at 10.30 a.m. for a period of four (4) weeks and thereafter report before the respondent police 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]; and;

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

14.10.2022

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