



Crl.O.P.No.24676 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.10.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P.No.24676 of 2022**

Sudhakar

... Petitioner

**Vs.**

State represented by,  
The Inspector of Police,  
Nangavalli Police Station,  
Salem District.

(Crime No.216/2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in Crime No.216 of 2022 on the file  
of the respondent.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 16.08.2022 for the offences punishable under Sections 294(b) and 306 of IPC in Crime No.216 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 16.08.2022, the de-facto complainant has given a complaint stating that she has borrowed a sum of Rs.65,000/- from the petitioner and within two years, she repaid a sum of Rs.50,000/-, whereas, she was unable to repay the balance amount due to covid-19 lock down, for which the petitioner and her mother approached the de-facto complainant and abused her in a filthy language and also abused the de-facto complainant's son Nirmalraj, due to which, the said Nirmalraj had committed suicide by hanging. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the de-facto complainant had



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borrowed a sum of Rs.65,000/- from the petitioner and despite the lapse of two years, she did not repay the amount, for which the petitioner had asked for repayment of money and other than seeking for repayment of loan, the petitioner has not committed any offence. He would also submit that the only intention of the petitioner is to get back the money from the de-facto complainant and it was not his intention to abet the de-facto complainant's son to commit suicide. He would also state that there is no averment to show that the petitioner has abetted the victim to commit suicide. He would further submit that the petitioner is suffering incarceration from 16.08.2022 and therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has lended a sum of Rs.65,000/- to the de-facto complainant and since the de-facto complainant did not repay the part of the loan, the petitioner along with his mother abused the de-facto complainant and humiliated her, due to which, her son had committed suicide by hanging. He would also submit that the investigation is pending. Hence, he oppose for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate No.I, Mettur Dam**, and on further conditions that:

[a] the sureties shall affix their photographs and 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;



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**[b] the petitioner shall report before the Inspector of police, Mettur Police Station, everyday at 10.30 a.m., and the petitioner shall not enter into the jurisdictional limit of the respondent Police, until further orders ;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**14.10.2022**

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To

1. The Judicial Magistrate No.I,  
Mettur Dam.
2. The Inspector of Police,  
Nangavalli Police Station,  
Salem District.
3. The Central Prison,  
Salem.
4. The Inspector of Police,  
Mettur Police Station,  
Salem.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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