



Crl.O.P.No.25285 of 2022

Crl.O.P.No.25285 of 2022

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.456 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Kumaresan is that he had borrowed an amount of Rs.2,00,000/- from the petitioner during the year 2014 by mortgaging his house and after borrowing the amount have repaid Rs.4,30,000/- till 2018. On 31.08.2022, at about 2.30 p.m., while the *de-facto* complainant was standing along with his father, the accused/petitioner had come to that place. When he had demanded what is the remaining amount that he has to pay, the petitioner had informed him that Rs.11,00,000/- has to be repaid. Therefore, there was a wordy quarrel between them. At that time, the petitioner had pushed *de-facto* complainant's father and due to humiliation, he had consumed pesticide and he was taken to hospital on the same day i.e., 31.08.2022. Later he was discharged from the hospital



CrI.O.P.No.25285 of 2022

on 02.09.2022. Subsequently on 09.09.2022, he suffered stomach ache and later taken to the Jipmer Hospital, Pondicherry. Thereafter, he was taken to Stanley Hospital, Chennai on 10.09.2022 and he passed away on 12.09.2022. Based on the complaint, a case was registered under Section 174 of Cr.P.C. later it was altered to 306 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is a Government driver and he is a neighbour of the *de-facto* complainant. He would further submit that the petitioner is not a professional money lender and that the *de-facto* complainant had borrowed an amount of Rs.2,00,000/- from him in the year 2014 for business by mortgaging his property. Subsequently, the *de-facto* complainant did not returned the money and thereby, the petitioner had sent legal notice to the *de-facto* complainant on 22.04.2022 calling upon him to return the money. While being so, due to some family dispute, *de-facto* complainant's father attempted to commit suicide and later he was discharged from the hospital and he later died on 12.09.2022. In order to take advantage of the situation and to deny the repayment of



Crl.O.P.No.25285 of 2022

money, a false complaint has been foisted against him. He would reiterate that he is not a professional money lender and the only averment is that he also belongs to the same village. 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 had lend an amount of Rs.2,00,000- to the *de-facto* complainant and he had demanded usurious interest. There was a quarrel between them, due to which the petitioner had pushed the deceased. Due to humiliation, the victim has consumed poison. Later taken to the hospital and got discharged. Once again the victim was taken to the hospital and he died on 12.09.2022. He would further submit that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner reiterated that the petitioner is not a money lender and only a driver working in transport corporation.



CrI.O.P.No.25285 of 2022

WEB COPY

6. Heard the learned counsel. Taking into consideration the facts and submissions, 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 **Judicial Magistrate Court, Tirukoilur**, 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



Crl.O.P.No.25285 of 2022

WEB COPY

[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



WEB COPY



Crl.O.P.No.25285 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

Crl.O.P.No.25285 of 2022

26.10.2022