



Crl.O.P.No.26725 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.O.P.No.26725 of 2022

1. Chinnadurai

2. Dhanavalli

... Petitioners

Vs.

State represented by,
The Sub Inspector of Police,
Keelapalur Police Station,
Ariyalur District.

(Crime No.238 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.238 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Jayaprakash

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



Crl.O.P.No.26725 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.10.2022 for the alleged offences punishable under Sections 306 of IPC, in Crime No.238 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the de-facto complainant/Ramar is that his younger brother Lakshmanan has borrowed an amount from A1/first petitioner herein and A2/Second petitioner herein has stood as guarantor for the same. His further averment is that his brother has not repaid the money, thereby, the accused harassed and threatened him, due to which, his brother has committed suicide by hanging. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given against them. He would further submit that it is true that the victim/deceased had borrowed money from the first petitioner and also from several other persons and since, he was unable to repay the loan, he has committed suicide by



Crl.O.P.No.26725 of 2022

hanging. He would also submit that the petitioners had only demanded the money and they would not have want the victim to commit suicide. He would also submit that even taking into consideration the allegations made against the petitioners, other than the petitioners have demanded for return of money, there is no specific allegation against them, as if they have abetted the victim to commit suicide. He would also state that the major part of the investigation is over and the petitioners are in custody for a month and hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the first petitioner has lent money the victim and the second petitioner stood as guarantor for the same and since the victim did not repay the amount, the petitioners have harassed and tortured him, due to which, the victim has committed suicide by hanging. He would also state that the investigation is still pending and there is no previous case as against the petitioners. However, he would oppose for grant of bail to the petitioners.



Crl.O.P.No.26725 of 2022

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also taking note of the allegation made as against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ariyalur** 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;



CrI.O.P.No.26725 of 2022

[b] the first petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, everyday at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;

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

11.11.2022

ham



Crl.O.P.No.26725 of 2022

WEB COPY

To

1. The Judicial Magistrate II,
Ariyalur District.
2. The Sub Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
3. The Sub Jail,
Ariyalur District.
4. The Central Prison,
Trichy.
5. The Inspector of Police,
North Beach Police Station,
Chennai.
6. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.26725 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

CrI.O.P.No.26725 of 2022

11.11.2022