



Crl.O.P.No.27495 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police 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 anticipatory bail.

2. The case of the prosecution is that the 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's son 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 son 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 for the petitioner would submit that the



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petitioner is an innocent person and she has been falsely implicated in this case. He would also submit that the *de-facto* complainant had borrowed a sum of Rs.65,000/- from the petitioner's son and despite the lapse of two years, she did not repay the amount, for which, the petitioner's son had asked for repayment of money and other than seeking for repayment of loan, the petitioner or her son has not committed any offence. He would further submit that the only intention of the petitioner and her son is to get back the money from the *de-facto* complainant and it was not their intention to abet the *de-facto* complainant's son to commit suicide. Further, he would submit that the petitioner's son was arrested and remanded to judicial custody on 16.08.2022 and thereafter, he was granted bail by this Court on 14.10.2022 in Crl.O.P.No.24676 of 2022. 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's son has lent 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 her son abused the *de-facto* complainant and humiliated her, due to which, her son had committed suicide by hanging. Hence, he vehemently



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opposed to grant anticipatory bail to the petitioner.

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5. Heard the learned counsels and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.1, Mettur Dam**, 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



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identity.

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[b] the petitioner shall report before the respondent police 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 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.

11.11.2022

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