



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 10/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.78 of 2022

WEB COPY

1. Alagar
2. Krishnan : Petitioner/Accused No.1 & 2

Vs.

The State rep. By,
The Inspector of Police,
Thirunagar Police Station,
Madurai.
(Crime No.578 of 2021)

: Respondent/Complainant

For Petitioner : Mr.R.Mariappan, Advocate
For Respondent : Mr.SS.Madhavan,
Additional Public Prosecutor

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.578 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who were arrayed as A1 and A2 were arrested on 16/12/2021 and remanded to judicial custody for the offences punishable under sections 294(b), 506(i) IPC and sections 3,4 of Tamil Nadu Prohibition of Charging of Exorbitant Act, 2003 @ 294(b), 506(i), 306 IPC r/w 3,4 of the Tamil Nadu Prohibition of Charging of Exorbitant Act, 2003, in Crime No.578 of 2021 on the file of the respondent police, seek bail.

2.The petitioners are facing the charges for the offences under sections 294(b), 506(i), 306 IPC r/w 3,4 of the Tamil Nadu Prohibition of Charging of Exorbitant Act, 2003. The petitioners are the main accused persons and both of them moved bail before the Principal Sessions Judge, Madurai, in Cr.MP No.6555 of 2021 and that came to be dismissed on 21/12/2021.

3.The entire CD file has been called for and perused. Perusal of the entire CD file shows that the deceased appears to have received the loan amount of Rs.5,00,000/- from A2 through A1 for interest. That was happened in some 11 years back, it has been appeared to be paid Rs.13 Lakhs for the above said amount principal



amount of Rs.5,00,000/-. So according to the prosecution for the exorbitant interest they forcibly took away the vehicle which belongs to the deceased. Even as per the reading of the FIR, no threat was made to the deceased directly by the petitioners. According to him, even as per the FIR, only driver was taking the vehicle and only from him, the vehicle has been taken by the petitioners. So according to him, there is no direct abetment of suicide by the petitioners against the deceased. So according to him, prima face the offence under section 306 IPC is not made out. On perusal of the CD file it is seen that for the loan amount of Rs.5,00,000/-, the deceased appears to have paid Rs.13,00,000/- towards interest. Claiming the balance amount for exorbitant interest, the van has been taken away from the custody of the deceased by the petitioners. Whether this will amount to abetment of suicide or not is a matter for investigation and trial.

4.Since this is the case of suicide out of the demand of exorbitant interest and the investigation is in the preliminary stage, if the petitioners are released on bail there is every likelihood of tampering the evidence and absconding.

5.In fine, this criminal original petition is **dismissed**.

sd/-

10/01/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

ORDER IN

CRL OP(MD) No.78 of 2022

Date :10/01/2022

USK/JC/SAR-II/19.01.2022/2P/3C

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