



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4072 of 2022

Veeramurugan @ Saravanan

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Cr.No. 520 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

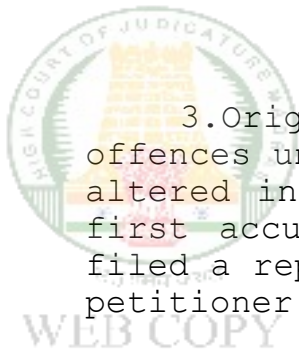
PRAYER :-

For Bail in Crime No.520 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 14.02.2022 for the offences punishable under Sections 174 of Cr.P.C @ 306 IPC, in Crime No.520 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Karuppasamy has borrowed a sum of Rs.2,00,000/- from one Pandi for the purpose of developing his business by mortgaging his land and he has also paid interest for it. The petitioner has colluded with the said Pandi and tortured the deceased Karuppasamy to execute the power deed in favour of them in respect of the said land. In the meantime, the deceased had borrowed a loan amount of Rs.10,00,000/- from Indian Bank, Sankarankovil by mortgaging the property of the petitioner and thereafter, has failed to repay the loan amount or interest to the bank properly. Therefore, the bank officials had insisted the petitioner to repay the loan amount, who in turn along with A1 and A3 compelled the deceased to repay same, for which, the deceased committed suicide by hanging himself on 22.04.2020. Hence, the complaint.



3.Originally, FIR came to be registered for the alleged offences under Section 174 of Cr.P.C, and subsequently, the case was altered into for the offence under Section 306 IPC implicating the first accused as the only accused and that thereafter, they have filed a report implicating the petitioner herein and A3 and that the petitioner alone was arrested and remanded on 14.02.2022.

4.The learned counsel for the petitioner would submit that the petitioner along with A3 and the deceased were doing some business jointly, that the deceased had mortgaged the property of the petitioner and obtained a loan of Rs.10,00,000/-, that since he defaulted, the bank authorities had insisted the petitioner to repay the loan amount and that when the petitioner was demanding his amount, the deceased was alleged to have committed suicide.

5.The learned Government Advocate (Crl. side) would submit that A1 and A3 are still absconding and that the investigation is almost completed except the receipt of the medical reports.

6.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 14.02.2022 and also the facts that the investigation is almost completed except the receipt of the medical reports and that the petitioner is not having any previous case for similar offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Court No.II, Sivakasi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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



(vi) If the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/04/2022

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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 JUDICIAL MAGISTRATE NO.II,
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2825[I] dated
01/04/2022)

ORDER
IN
CRL OP(MD) No.4072 of 2022
Date :01/04/2022

sjj
USK/VR/SAR-III/01.04.2022/3P/7C