



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.06.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.7103 of 2022

Eswaran

... Petitioner/Accused No.3

Vs

State through
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.520 of 2020)

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

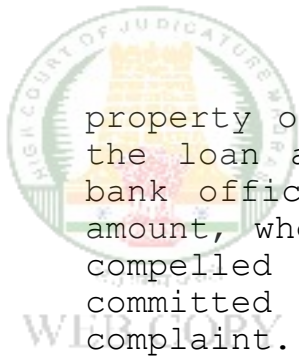
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C. altered into Section 306 IPC, in Crime No.520 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Karuppasamy has borrowed a sum of Rs.2,00,000/- from the first accused for the purpose of developing his business by mortgaging his land and he has also paid interest for it, that the second accused has colluded with the first accused 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 Karuppasamy had borrowed a loan amount of Rs.10,00,000/- from Indian Bank, Sankarankovil, by mortgaging the



property of the second accused and thereafter, has failed to repay the loan amount or interest to the bank property. Therefore, the bank officials had insisted the second accused to repay the loan amount, who in turn along with the petitioner and the first accused compelled the deceased to repay the same, for which, the deceased committed suicide by hanging himself on 22.04.2020. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the first accused has filed a petition in Crl.O.P.(MD)No.7116 of 2022 to quash the FIR in Crime No.520 of 2020 on the file of the respondent police and this Court, vide order dated 19.04.2022, has granted interim stay. He would further submit that the second accused was already released on bail by this Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the deceased has left the suicide note, wherein, he has specifically implicated the involvement of three accused and that investigation is pending.

5.The learned counsel for the petitioner would further submit that in the alteration report, it has been specifically stated that before the suicide, the first accused instigated the deceased to commit suicide and threatened him to execute power deed in his favour.

6.Considering the above facts and circumstances and also the facts that the second accused was already released on bail, that the case as against the first accused was already stayed by this Court and that the petitioner is not having any bad antecedents and taking note of the age of the petitioner, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Sivakasi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

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[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 229-A IPC.

sd/-
24/06/2022

/ TRUE COPY /

/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6157[I] dated 27/06/2022)

ORDER
IN
CRL OP(MD) No.7103 of 2022
Date :24/06/2022

csm
PKP/VR/SAR-4/28.06.2022/3P/6C