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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.10961 of 2022

Palani

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Oothumalai Police Station,
Tenkasi District
(Crime No. 93 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 93 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 306, 511, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003, in Crime No.93 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed a sum of Rs.18,000/- from the accused and for which, the accused demanded exorbitant interest. Though, the defacto complainant had paid the amount to the tune of Rs.28,000/-, the petitioner demanded him to pay heavy interest. Hence, abetted the defacto complainant to commit suicide by taking bedbug chalkpiece and admitted in the hospital. Hence, the complaint.



3. The learned counsel for the petitioner submitted the petitioner is ready to write off the amount, which is the due to be paid by the defacto complainant. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has abetted the defacto complainant to commit suicide and that the petitioner is not having any previous case at his credit.

5. Considering the facts and circumstances of the case and the fact that whether the defacto complainant had consumed poison, only due to abetment of petitioner, has to be decided during the course of investigation and that the petitioner is not having any previous cases at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Alangulam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

28/06/2022

/ TRUE COPY /

/07/2022

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

PNM

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, ALANGULAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
2. THE INSPECTOR OF POLICE,
OOTHUMALAI POLICE STATION,
TENKASI DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.6294

ORDER
IN
CRL OP(MD) No.10961 of 2022
Date :28/06/2022

RK/JM/SAR-IV/01.07.2022 : 3P/5C