



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

Dated: 24/08/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

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Crl.OP(MD)No.19763 of 2021

S.P.Subramani

... Petitioner/1st Accused

Vs.

The State rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
(crime No.609 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.GOKULRAJ, Advocate

For Respondent : Mr.B.THANGA ARAVINDH
Government Advocate (Crl.Side)

For Intervener : Mr.M.PALANI RAJA, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.609 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offence punishable under section 306 IPC, in Crime No.609 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased. She lodged a complaint stating that her husband namely the deceased Suresh Kumar was doing finance business. One Subramani and Murugesan were also doing the very same business. Some three years ago, the above said Subramani received money from her husband, promising to arrange the property. But later, he defaulted and cheated. So the deceased was under the mental depression and compromise talk was also made in the presence of Periyasamy, Loganathan and Ponnammal. But the above said Subramani did not cooperate. A threat was made by the above said Subramani, over which, he made a complaint. The creditors filed a suit and also made public notice in paper, on 18/11/2021 against the deceased. The deceased stated that Subramani and Murugesan have cheated him. Even after selling the house and land, he is not able to discharge his liability. On the same day at 01.30 pm, the deceased found hanging in the house. He was taken to the hospital,



but declared dead. Thereafter, based upon the complaint, the case has been registered for the offence under section 306 IPC.

3. Seeking anticipatory bail, this petitioner, who is arrayed as A1 has filed this petition.

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4. Heard both sides.

5. The learned Government Advocate (Criminal side) and the learned counsel appearing for the intervener/de-facto complainant would submit that suicide note has been recovered, which shows the involvement of this petitioner in the above said abetment of suicide.

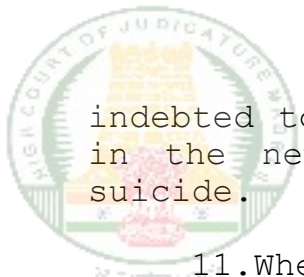
6. The copy of the same is also circulated, wherein we find that it has been stated that A1 namely Subramani has to pay Rs.45,00,000/- and he is making continuous threat to the deceased. Similarly A2 Murugesan has to pay a sum of Rs.42,00,000/- and he is also making continuous threat to the deceased.

7. Based upon the suicide note, now investigation has been undertaken and it was informed to this court that for the purpose of comparing the signature, the hand written documents were sent to the Forensic Science Lab. Even before that, the case in Crime No. 1494 of 2021 on the basis of the complaint given by the deceased was registered against the petitioner. Similarly, Crime No.1495 of 2021 was also registered on the basis of the complaint given by the complainant. Similarly Crime No.609 of 2021 was also registered against the petitioner. So according to the prosecution, the petitioner is having more than one cases in his credit, which are of cheating, criminal intimidation, etc.

8. But the learned counsel appearing for the petitioner would submit that the petitioner is a heart patient and he was continuously appearing before the respondent police and cooperated with him to complete the process of investigation. Even during the petition enquiry stage, interim anticipatory bail was granted to him. He was arrested in Crime No.1495 of 2021 on 28/09/2021 and subsequently enlarged on bail, there was no money transaction between the petitioner and the deceased.

9. But however, considering the fact that the petitioner was granted interim anticipatory bail by this court, the learned counsel appearing for the intervener/de-facto complainant would submit that anticipatory bail may be considered, if the amount of Rs.45,00,000/- alleged to have received by the petitioner is returned back.

10. But even during the course of investigation, no materials have been collected to show that the deceased paid Rs.45,00,000/- to the petitioner. In the absence of any such material, the real cause of death of the deceased, according to the petitioner is that he was



indebted to several persons and even his creditors published in the news paper and that was the reason for the above said suicide.

11. Whether these are the reasons for the above said suicide or because of the continuous threat that has been allegedly made by the accused persons are the real cause for the suicide, is a matter for investigation.

12. In view of the above said development, the interim anticipatory bail already granted is made absolute. The petitioner must appear before the respondent police daily at 10.00 am and co-operate with the respondent police until further orders. And if during investigation, custodial interrogation is required, the police is at liberty to move the concerned court for appropriate orders. Accordingly, this criminal original petition is **ordered**.

sd/-

24/08/2022

/ TRUE COPY /

/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KARUR, KARUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GOKULRAJ.S., Advocate SR.No.8973

ORDER

IN

CRL OP(MD) No.19763 of 2021
Date :24/08/2022

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SA/SVR/SAR.4/07.09.2022/3P/6C