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Crl.O.P.No. 6667 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 24.01.2023 for the alleged offence under Section 306 of I.P.C. r/w Sec. 9 of T.N. Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.42 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that originally, the father of defacto complainant obtained a loan from Tamil Nadu State Transport Corporation Housing Society and he was not in a position to repay the loan amount, due to which, he borrowed a sum of Rs.15 lakhs from A1 through A2, however, the petitioners said to have threatened them to execute a sale deed in respect of their house to an extent of 1074 sq.ft. containing three floors for Rs. 45 lakhs, but the actual price of house is of Rs.75 lakhs, thereby they said to have given torture to the deceased, due to which, both husband and wife committed suicide by consuming poison on putting up a suicidal note



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3. The learned counsel for the petitioners would submit that in fact, there was a dispute among the family members with respect to the enjoyment of properties, for which, the petitioners are no way connected with the offence. He would submit that there is no specific overtact against the 2nd accused and his name was not found in the F.I.R. as well as in the suicidal note. He would submit that they are innocent persons and they have not at all committed any offence as alleged by the respondent police. He would submit that there is no role of the petitioners in the alleged offence and they have been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration from 24.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 4 accused involved in this



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case and the petitioners are arrayed as A1 and A2. He would submit that the petitioners have claimed exorbitant interest and also forced them to execute a sale deed in their favour for the amount borrowed by defacto complainant's father and mother, due to which, both have committed suicide and died. He would also submit that if they are released on bail, they may abscond and they would tamper the witnesses and hamper the investigation and the investigation is not yet completed, which is in preliminary stage. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioners by claiming exorbitant interest from the deceased and also forced them to execute a sale deed in their favour, due to which both husband and wife committed suicide on writing a suicidal note and also the fact that investigation is still pending and it is in preliminary stage and if they are released on bail, they may abscond and there is possibility of tampering the witnesses and hampering the investigation, and



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there is no change of circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

28.03.2023

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