



CrI.O.P.No.6741 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 306 of IPC, in Crime No.496 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Shanmugam is that his was running a pesticide shop in the name and style of VSK Agencies and the accused persons purchased pesticides on credit basis and failed to pay the money back, due to which the de-facto complainant's son was unable to clear his dues and committed suicide by hanging. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given against them. He would further submit that the petitioners have purchased pesticides and re-paid their dues to de-facto complainant's son . The deceased borrowed money from some other persons for running his



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business and they pressurized the deceased to return back the money, due to which the deceased has committed suicide. He further submitted that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the accused persons purchased pesticides from the shop of the defacto complainant's son and failed to pay the money back, due to which the deceased was unable to clear his dues and committed suicide by hanging. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of crime number before the concerned Court and hence, he prayed for grant of anticipatory bail to the petitioner.



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6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the petitioners volunteered to deposit a sum of Rs.2,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.2,00,000/- (Rupees Two Lakhs only)** by way of Demand Draft/RTGS/NEFT to the credit of **Crime No.496 of 2022** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Magistrate/ Judicial Magistrate Porto Novo , on condition that the



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petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.496 of 2022 within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the learned Magistrate shall disburse the amount deposited to the credit of Crime No.496 of 2022 to the defacto complainant.

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence



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or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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