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Crl.O.P.No.8615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8615 of 2023

Chithra

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sooramangalam Police Station,
Salem District.

Crime No.143 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.143 of 2023 on the file of the respondent police.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.03.2023 for the offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 306 of IPC in Crime No.143 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Gopi is that the victim has borrowed an amount of Rs.4,00,000/- from one Raja and his relatives and since he was unable to pay the amount, the accused have gone to the place of employment of the victim, abused him in a filthy language and humiliated him and unable to bare the humiliation, the victim has committed suicide by consuming rat poison. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the fact remains is that the Victim Thangaraj had borrowed money from several persons and unable to pay the money, he had committed suicide, whereas, a false complaint has been given, as if, the



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petitioner has demanded money and humiliated him. He further submitted that there is absolutely no allegation of abetment on the part of the petitioner. He also submitted that the petitioner is in judicial custody from 10.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with her relatives have given loan to the victim and since he was unable to pay the money, the petitioner along with other accused have gone to the place of his employment, abused and harassed him and abetted him to commit suicide, thereby, the victim had committed suicide by consuming poison. He further submitted the investigation is still pending, hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial Magistrate No.II, Salem** and on further conditions that:

[a] 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 report before the respondent Police everyday at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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]***;

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

21.04.2023

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. The Central Women Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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