



CrI.O.P.No.9328 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

CrI.O.P.No.9328 of 2023

Karuppiah @ Selvam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai District.

(Crime No.120 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.120 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Guruprasad

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023, in connection with Crime No.120 of 2023, registered under Section 174 Cr.P.C and later, altered for the alleged offences punishable under Section 306 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Lakshmi, is that her husband/victim had subscribed a chit run by the accused in the name and style of Aishwarya properties and that he had regularly paid his subscription for a period of 16 months and the victim due to his financial crisis demanded money from the accused before the completion of the tenure of the chit, due to which, the accused had refused to return the money and also abused him. Thereby, on account of the frustration and humiliation caused by the accused, the victim had committed suicide by self immolation in front of the accused's office. 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



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further submitted that the petitioner is the proprietor of Aishwarya Properties and he has been running a chit and the victim/deceased had also subscribed a chit and the tenure of the chit is three years, whereas, the victim, even before the tenure of the chit was over, had come to the office in an inebriated condition and demanded the office staff to return the money, when the petitioner was away. He further submitted that since the receptionist refused the victim's demand stating that the petitioner was away, the victim/deceased had attempted to commit suicide by self immolation and further, apart from that he had also hugged the receptionist, due to which, she also suffered severe burn injuries and still taking treatment. He also submitted that the petitioner was not present at the scene of occurrence and there is no material to show that the petitioner has abetted the victim to commit suicide and also submitted that even the de-facto complainant is not the witness to the occurrence.

4. He further submitted however, the petitioner, without prejudice to his defence and contention, is ready and willing to pay a sum of Rs.1 lakhs by way of demand draft in favour of the de-facto complainant, in return of the chit amount. Hence he prayed for grant of bail to the petitioner.



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5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was running a chit, in which the de-facto complainant's husband has subscribed. He further submitted that since the petitioner had not returned the chit amount of the victim before the tenure period and had humiliated him, the victim has committed suicide by self immolating him. He also submitted that the investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the petitioner has come forward to pay a sum of Rs.1 lakh to the de-facto complainant/wife of the deceased and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions. However, it is made



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clear that the payment of Rs.1 lakh to the de-facto complainant, would not amount to admission of the petitioner's guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet**, and on further conditions that:

[a] the petitioner is directed to deposit a demand draft for a sum of **Rs.1,00,000/- (Rupees One lakh only)**, drawn in favour of the de-facto complainant/Lakshmi, without prejudice to his rights and contentions, before the Court concerned, at the time of furnishing sureties and the learned Magistrate shall direct the respondent police to hand over the demand draft to the de-facto complainant and to produce the proof thereon;

[b] 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;



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[c] the petitioner shall stay at Erode and report before the Inspector of Police, Erode Town Police Station, everyday at 10.30a.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 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.

28.04.2023

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To

1. The XXIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Inspector of Police,
Erode Town Police Station,
Erode.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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