



Crl.OP.No.10264 of 2023

WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C, 1973 and Section 306 of IPC, 1860 in Crime No.222 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Vasuki is that on 07.04.2023 she had found her husband hanging, immediately, she had taken her husband to the hospital, wherein, the Doctor had informed that her husband was brought dead and the defacto complainant also further stated that neither her nor her family members have any suspicion over the death of her husband and she had requested the respondent police to conduct postmortem. Based on the complaint, a case in Cr.No.222 of 2023 was registered under Section 174 of Cr.P.C. During the course of investigation, the respondent were found a suicide note of the deceased, wherein the deceased mentioned that due to the torture of M/s.L & T Finance Limited, he had committed suicide and thereafter, the case was altered to one under Section 306 of IPC. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given based on a fabricated suicide note. He would further submit that the petitioner is a B.E graduate and appointed as ML Officer in the Micro Loans Division of the M/s.L & T Finance Limited. He would further submit that the defacto complainant had herself borrowed a sum of Rs.37,00,000/- from the petitioner's company and in the course of business, the petitioner had gone to the house of the defacto complainant for collecting the amount on 31.03.2023 and thereafter he had not gone to the house of the defacto complainant, whereas, the husband of the defacto complainant/victim who is accused in several cases had committed suicide on 07.04.2023 and the defacto complainant is the person who had given a complaint and she has not made any allegations against the petitioner or his company on 07.04.2023 whereas later as an after thought they have fabricated a suicide note as if the petitioner had threatened her and due to which, the victim had committed suicide. He would further submit that even taking into consideration the period between 31.03.2023 and 07.04.2023, there is a long gap and the petitioner cannot be said to have abetted the victim to commit suicide. Thereby, he would seek anticipatory bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant's husband has committed suicide on 07.04.2023 and during the course of investigation, they got the suicide note wherein the deceased had informed that he had committed suicide note on account of the threat of the petitioner and thereby he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate - I, Villupuram Court* on condition that the petitioner shall execute 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 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 every day at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30a.m., until further orders;

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

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

[e] 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, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv

15.06.2023

A.D.JAGADISH CHANDIRA, J.



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