



Crl.O.P.No.19110 of 2023

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C. and subsequently altered into Sec. 306 I.P.C. and Sec. 3 r/w 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.653 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant's husband borrowed a loan of Rs.5 lakhs and Rs.2 lakhs respectively from the petitioner herein. The petitioner along with other accused had received a promissory note from her husband. While so, on 06.12.2022, when A-1 demanded exorbitant interest amount of Rs.32,00,000/- and A2 demanded a sum of Rs.8,00,000/- from her husband, there was a wordy quarrel between them, thereby, the petitioner said to have scolded her husband in filthy language and also threatened him with dire consequences, due to which, the defacto complainant consumed pesticide



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in front of A'1's house and subsequently he died. Hence, a complaint was registered against the petitioner.

3. The learned counsel for the petitioner would submit that this the fourth petition seeking for anticipatory bail and the petitioner is an innocent person. He would also submit that most of the loans were not settled by defacto complainant's husband and when the creditors demanded for repayment, he consumed poison, but falsely implicated this petitioner. He would also submit that there is no specific overtact attributed against the petitioner and the petitioner is ready to comply with any condition imposed by this court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is one of the money lender and demanded more interest, so that the husband of defacto complainant consumed poison, however, the fact reveals that deceased borrowed loan from several other persons. He would submit that the investigation is



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almost completed. He would further submit that since the defacto complainant is having three children and she is a deserted woman and suffered a lot due to the attitude of her husband. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the submissions made by both the counsels and also the fact that she being a deserted woman and having three children and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner **on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.653 of 2022 within a period of two weeks from the date of receipt of a copy of this order.**

6. On such deposit, 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 No.1, Virudhachalam, on condition that the



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petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which one surety must be a blood related surety) 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 is directed to deposit a sum of **Rs.1,00,000/- (Rupees one lakh only)** to the credit of Crime No.653 of 2022 before the concerned Magistrate within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police on every Monday, Wednesday and Saturday at 10.30 a.m. for the period of three months.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioner 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. On considering the fact that the deceased died leaving behind three children and the matter is referred to the concerned District Legal Service Authority to consider the same under the victim compensation in the manner known to law and award a sum of Rs.50,000/- (Rupees Fifty Thousand only) to all the three children separately and the said amount shall be deposited in a Fixed Deposit in any one of the Nationalized Banks, which carries accrued interest in the name of the three children separately, until they attain majority.

14.09.2023

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