



CrI.OP.No.23896 of 2023

CrI.O.P.No.23896 of 2023

WEB COPY

C.V.KARTHIKEYAN,J.

The petitioners are A1, A2 and A4 seek anticipatory bail in Crime No.103 of 2023 registered by the respondent police for the offence punishable under Section 306 of IPC and 4 r/w 9 of Tamilnadu Prohibition Exorbitant Interest Act 2003 with respect to the occurrence took place on 20.05.2023.

2. It is stated that the son of a defacto complainant had borrowed a sum of Rs.1,00,000/- from the first petitioner/first accused. It is also to be mentioned that the defacto complainant and the petitioners are not only relatives, but are also residing in the same area and can be termed as neighbours. It is also stated that towards the said borrowal of Rs.1,00,000/-, a total sum of Rs.4,00,000/- was demanded to be repaid and since inability was expressed, it is stated that the petitioners herein had abused the son of the defacto complainant who later went and took poison.

1/5



Crl.OP.No.23896 of 2023

WEB COPY

3. The learned counsel for the petitioners also stated that poison consumed on 12.02.2022 and on the next day, he had only stated that there was some food poisoning and he vomited, but after about 10 days of treatment ie., 22.12.2022, the son of the defacto complainant died leading to lodging of complaint and registration of an FIR.

4. From the facts that it is discernible that it is the first petitioner who had actually lent the money and was directly interested in ensuring return of money with interest. Though all the other petitioners may also have joined together in abusing the son of the defacto complainant, the first petitioner is directly interested in the said issue.

3. Taking all the facts into consideration, this Court is not inclined to grant anticipatory bail for the first petitioner, but grant anticipatory bail for the petitioners 2 and 3 subject to the following conditions:

3. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of



CrI.OP.No.23896 of 2023

WEB COPY

fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate-II, Ariyalur* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 2 and 3 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 petitioners 2 and 3 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 shall not abscond either during investigation or trial.



CrI.OP.No.23896 of 2023

WEB COPY

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**.

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

06.11.2023

Vv



WEB COPY



CrI.OP.No.23896 of 2023

C.V.KARTHIKEYAN,J.

Vv

CrI.O.P.No.23896 of 2023

06.11.2023