



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.3568 of 2023

WEB COPY

S.Eswaramoorthy ... Petitioner/Accused
Vs

The State Rep.by
The Inspector of Police,
Karur Town Police Station,
Cr. No. 117 of 2023.

... Respondent/Complainant
2.Malathi ...Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No.3964 of 2023

For Petitioner : M/s.Sevugaraja.R, Advocate.

For Intervenor : M/s.K.Suresh
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 117 of 2023 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehend arrest at the hands of
the respondent Police for the offence punishable under Section 174
of Cr.P.C @ 306,384 of IPC r/w.section 9 of Tamil Nadu Prohibition
of Charging Exorbitant Interest Act, 2003 of IPC in Crime No.117 of
2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.02.2023 at about
10.30 am., the husband of the defacto complainant committed suicide
by hanging in the bed room, hence the case.

3. Heard both side and perused the materials available on record
including the First Information Report.

4. The learned counsel for the intervenor vehemently objected
to grant anticipatory bail to the petitioner.

5. It is stated that the petitioner is a registered financier
and the deceased had borrowed a sum of Rs.7,80,000/-. Even after
repayment of amount with exorbitant interest the petitioner
demanded more interest and also threatened the victim to pay the



principal amount with exorbitant interest. Therefore the deceased committed suicide by hanging leaving a suicidal note.

6. Perusal of the suicidal note produced by the respondent reveals the fact that the deceased had borrowed a sum of Rs.7,80,000/- and even after repayment of said loan the petitioner refused to return the promissory note and also demanded exorbitant interest and also abused him using unparliamentary words and also threatened with dire consequences. Originally the case was registered under section 174 of Cr.P..C and upon investigation and suicidal note the respondent altered the offences into sections 306,384 of IPC r/w.section 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. It is seen that the deceased has committed suicide only because of the threat made by the petitioner. Further the petitioner herein only abetted the deceased to commit suicide, hence custodial interrogation of the petitioner is very much required in this case. In view of the same, this court is not inclined to grant anticipatory bail to the petitioner.

7. Hence the petition stands dismissed.

sd/-

13/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Inspector of Police,
Karur Town Police Station,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SEVUGARAJA, Advocate (SR-4144[I] dated 14/03/2023)
+1 CC TO M/S.K.SURESH, ADVOCATE SR-4071

ORDER

IN

CRL OP(MD) No.3568 of 2023

Date :13/03/2023

RD/BUC/SAR-II (16/03/2023) 2P 5C