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

Date : 05/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.8997 and 9430 of 2023

Lakshmanan

... Petitioner/Accused No.1
in CRL OP(MD). No.8997 of 2023

Kaman @ Selvaraj P

... Petitioner/Accused No.2
in CRL OP(MD). No.9430 of 2023
Vs

The State rep.by,
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.97 of 2022).

... Respondent/Complainant
in both petitions

For Petitioners : M/s.Sarvagan Prabhu.S, Advocate
In both petitions

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
In both petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 97 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused A1-A2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 174 of Cr.P.C @ 306 IPC, in Crime No.97 of 2022, on the file of the respondent police, seek anticipatory bail.

<https://www.hc.madras.gov.in/judis>



2.The case of the prosecution as per the defacto complainant is that there was a money dispute between the accused and her husband. Due to non-payment of cost invested by her husband in construction field, he suffered a loss, therefore, he had committed suicide on 25.07.2022. Later on investigation, on 27.09.2022 the defacto complainant had produced a suicide note written by her husband. Thereafter, case was altered into 306 IPC.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since there was a money dispute between the parties. It is also seen that suicide note was produced by wife of the deceased after two months from the date of occurrence. There is no evidence to show that the petitioner had only abetted the deceased to commit suicide. Hence, prays to release them on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that in this case, the accused persons had abetted the deceased to commit suicide on account of money issue. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.It seems that there are totally two accused in this case and the petitioners are A1 and A2. Initially the case has been registered under section 174 of Cr.P.C and subsequently on production of suicide note, the case was altered into Section 306IPC. It is also seen that suicide note was produced by wife of the deceased after two months from the date of occurrence. The victim had committed suicide on 27.05.2022 in his work place. The suicide note revealed the the deceased had written about the borrowal of amount from the petitioner and also presentation of cheque, which was given as a security purpose. There is no evidence to show that the petitioner had only abetted the deceased to commit suicide. Therefore, custodial interrogation of the petitioners did not require. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Athoor, Dindigul District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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



bail shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police daily at 10:30 a.m., for a period of four weeks, thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

pnm

TO

1. THE JUDICIAL MAGISTRATE, ATHOOR,
DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-8085,8087[I] dated
06/06/2023)

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ORDER
IN
CRL OP(MD). Nos.8997 and 9430 of 2023
Date :05/06/2023

RK/SSS/SAR- (09/06/2023) 4P/7C