



WEB COPY

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

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12521 of 2023

R.Thangammal

... Petitioner/ Accused No.3

Vs

The State through the Inspector of Police,
Sellur Town Police Station,
Madurai Town, Madurai.
Cr.No.443/23.

... Respondent/ Complainant

For Petitioner : M/s.Sevugaraja, Advocate

For Respondent : Mr.S.Manikandan

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.443/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC read with Section 9 of TNLE, Act, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a

complaint stating that her daughter namely Premalatha was married one



WEB COPY

Sivaprakash, some eight years prior to the occurrence. Because of the marriage, they had two children namely Dharshan and Abinaya. Sivaprakash was doing business in Mattuthavani market area. But for the purpose of developing their business, both the husband and wife borrowed amount from several persons. But because of the loss in the business, they were in deep depression. The above said difficulty was also informed to her by Premalatha. On 25.04.2023, at about 9.30 a.m., the children were sent to the school and at about 1 p.m., both the husband and wife were found hanging. On the basis of the above said occurrence, a case was registered and enquired. During the course of investigation, this petitioner has been implicated.

3. On the basis of the above said implication, this petition is filed seeking anticipatory bail, has been filed by petitioner for the third time stating that even as per the allegation made in the First Information Report, no implication or allegation has been made against this petitioner. According to him, both the husband and wife are under deep depression over their financial situation. They borrowed money from several persons and unable to repay the same and because of the said financial situation, only they committed suicide. For which this petitioner is no way responsible since she has lent only Rs.10,000/- to the deceased, since both of them happened to be neighbours. In the First Information Report it is stated that the petitioner was not collecting any exorbitant interest from the deceased. No

harassment was also made by her to force the deceased to commit suicide.



WEB COPY

4. Per contra, the learned Government Advocate (Crl.side) would submit that the deceased indebted to several persons in the very same locality and all of them caused severe mental stress and collecting exorbitant interest also. Because of that only, they committed suicide.

5. Perusal of the CD file would show that from the house of one of the co-accused, documents relating to money lending, have been collected and so far as this petitioner is concerned, a document in the form of chit has been collected, wherein it is mentioned that it is a weekly interest rate and a loan amount Rs.10,000/- was also noted in the above said chit. The contention on the part of the petitioner is that, as a neighbour, she has lent only Rs.10,000/- and not for any exorbitant interest. Because of the continuous torture made by all the money lenders, the above said suicide has been committed and it is a matter for investigation.

6. This is a third anticipatory bail petition filed on the ground that other co-accused have been enlarged on bail. They have been enlarged on bail only on regular basis and none was granted anticipatory bail. Considering the manner in which the above said suicide has been committed, the petitioner is not entitled for claiming any discretionary relief. She can surrender either before the respondent or before the concerned Court and get regular bail.



WEB COPY

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/07/2023

/ TRUE COPY /

/07/2023

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

pnn

TO

- 1 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI TOWN, MADURAI
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.12521 of 2023
Date :13/07/2023

SS/BUC/21/07/2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023