



Crl. O.P. No.21441 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Section 108 of B.N.S. 2023 in connection with the Cr. No.294 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is running a construction material supply business in the name and style of 'Shanmuga Agencies' at Redhills Road, Kolathur, Chennai and the 2nd petitioner is the Staff in the said shop and the defacto complainant had purchased some construction materials from the 1st petitioner on 19.02.2024 for a sum of Rs.80,850/- on credit basis and failed to pay the same. Hence, on 28.07.2024 at about 1.30 p.m., the 2nd petitioner herein, on instruction given by the 1st petitioner, went to the defacto complainant's home and asked about the money with the wife of the defacto complainant and on the next day i.e., 29.07.2024, at around 8 a.m., the defacto complainant's wife had committed suicide. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is running his business for the past 32 years in the same area and he is not doing any money lending business for interest, that he



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has only asked about the money to be repaid by the defacto complainant for the purchase of materials on credit basis, that too only after six months, he asked for the repayment, that the 1st petitioner has also not used any abusive language, that already there is dispute between the husband and wife regarding loan, that false complaint has been given by the defacto complainant to evade the repayment of due amount, that the petitioners are innocent persons and that they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the 1st petitioner is running a construction material supply business in the name and style of 'Shanmuga Agencies' and the 2nd petitioner is the Staff in the said shop and the defacto complainant had purchased some construction materials from the 1st petitioner on 19.02.2024 for a sum of Rs.80,850/- on credit basis and failed to repay the said amount and hence the petitioners went to the house of the defacto complainant and threatened the wife of the defacto complainant to repay the due amount, due to which, the wife of the defacto complainant committed suicide. Hence he strongly objected for the grant of anticipatory bail to the petitioners. He further submitted that statement



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of material witnesses was recorded by the investigating officer and there is no previous case pending against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments putforth on either side, considering the nature of offences charged against these petitioners, that already there is money transaction pending between the defacto complainant and the petitioners, that statement of material witnesses were recorded by the investigating officer and that there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XIII Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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**[a] the petitioners shall report before the respondent police on
everyday at 10.00 a.m. until further orders.**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

11.09.2024



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To

- 1.The XIII Metropolitan Magistrate, Egmore, Chennai
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, V4 Rajamangalam Police Station, Kolathur, Chennai District.

P.DHANABAL,J
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