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Crl.O.P.No.26391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26391 of 2024

Subash

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No. 318 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.318 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.Swaminathan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 03.10.2024, for the alleged offences punishable under Section 108 of



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BNS, in Crime No.318 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant and his husband borrowed a loan for their household expenses from IDFC Bank but failed to repay the same. The further allegation is that when the de-facto complainant's husband/deceased asked to repay the money, due to his health condition, he could not repay the loan amount, as a result, the bank manager scolded the deceased with filthy language, for which, the deceased committed suicide by consuming poison. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally four accused in this case and the petitioner herein is ranked as A4. He further submits that the deceased and his wife borrowed a loan from IDFC bank for their household expenses but failed to repay the same. When the bank manager scolded the deceased with filthy language for not repaying the loan amount, as a result, the deceased consumed poison and died. He further submit that the petitioner has no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, there is a money dispute between the petitioner and the deceased, co-accused was also released on bail, the petitioner has no previous case, pending against him, considering the period of incarceration undergone by the petitioner from 03.10.2024, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate Court No.I, Mayiladuthurai, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner 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 him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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 thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.10.2024

drl

To

- 1.The Judicial Magistrate No.I,
Mayiladuthurai.
- 2.The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
- 3.The Superintendent,
Sub Jail, Mayiladuthurai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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