



Crl.O.P.No.20 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 of IPC and 4 read with 9 of Tamil Nadu Prohibition Exorbitant Interest Act 2003 in Crime No.103 of 2023, seeks anticipatory bail.

2. It is stated that the the son of the defacto complainant had borrowed a sum of Rs.1,00,000/- from the first petitioner/first accused. It is also to be mentioned that the defacto complainant and the petitioner are not only relatives but are also residing in the same area and can be termed as neighbours. It is also stated that towards the said borrowal of Rs.1,00,000/- a total sum of Rs.4,00,000/- was demanded to be repaid and since inability was expressed, it is stated that the petitioner herein had abused the son of the defacto complainant who later went and took poison.

3. From the facts it is discernible that it is the petitioner who had actually lent the money and was directly interested in ensuring return of money with interest. The earlier bail application of this petitioner has also been dismissed.



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4. An affidavit has been filed by the petitioner wherein he had stated as follows:-

“3. I submit that the deceased is also relative and neighbour, also shared the bereavement of the deceased and console the family member of the deceased in chiding the father of deceased complainant. I and other accused or any other member of my family will not torture the family members of the complainant deceased family demanding one lakh or interest thereon. I undertake that I would not give any harassment or torture to deceased family.”

5. In view of that particular fact and also recording that no further monetary demand would be placed on the family of the deceased, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial



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Magistrate No.II, Ariyalur, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[c] the petitioner shall deposit a sum of Rs.20,000/- to the credit of the Dean, Government Stanley Hospital, Chennai, for treatment of needy patients.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.01.2024

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