



CRL OP(MD) No.1437 of 2024

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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SASIKUMAR

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT,
CRIME NO.50/2024

... RESPONDENT / COMPLAINANT

JAILANI

... PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL.MP(MD).1267/2024 IN CRL.OP(MD).1437/2024

For Petitioner : M/S.MAHENDRAPATHY.S Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

For Intervenor : Mr.S.MANOJ KUMAR, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.50/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/A1, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Section 174 of Cr.P.C., altered into Sections 306 & 384 of IPC r/w Section 9 of Tamil Nadu Prohibition of Charging and Exorbitant Interest Act, in Crime No.50 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a Finance in the name and style of M/s.Sri Kanthan Auto Finance. The defacto complainant approached the petitioner's Finance Company to purchase a LED TV. The petitioners gave a loan to the deceased wife of the defacto complainant for the purchase of LED TV. The defacto complainant and his deceased wife paid only two instalments and thereafter, failed to pay the balance amount. Due to which, on 11.01.2024, the employees of the petitioner's Finance Company went to the house of the defacto complainant and abused his deceased wife in filthy language and also threatened her to return the amount. Because of that, the deceased wife of the defacto complainant consumed rat poison and committed suicide on 20.01.2024. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that admittedly, the employees of the petitioner's Company went to the house of the defacto complainant on 11.01.2024 and they demanded only the balance amount from the deceased wife of the defacto complainant not demanded any exorbitant interest. Further, the employees of the



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petitioner's Company went to the house of the defacto complainant, on 11.01.2024.

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But, the deceased committed suicide after 9 days of the occurrence i.e., on 20.01.2024.

Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the defacto complainant submitted that on behalf of one Shahul, who is the neighbour of the defacto complainant, the defacto complainant, borrowed money from the petitioner's Finance Company for purchasing a LED TV. After obtaining loan, the said Shahul failed to repay the same. But, the employees of the petitioner's Finance Company went to the house of the defacto complainant and abused his deceased wife and threatened her with dire consequences. Thereby, the deceased wife of the defacto complainant consumed rat poison and committed suicide. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation is at preliminary stage. Hence, he opposed to grant anticipatory bail to the petitioner.

6.This Court perused the FIR. From the perusal of FIR, it is revealed that the employees of the petitioner's Finance Company went to the house of the defacto complainant and threatened the deceased wife of the defacto complainant on 11.01.2024. But, she committed suicide after 9 days of the occurrence i.e., on



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20.01.2024.

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7. Considering the facts and circumstances of the case and also considering the fact that except the allegation against the petitioner that he is the owner of the Finance Company, no other allegation has been attributed against him, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the Judicial Magistrate No.I, Karur, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;



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(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(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;

(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]; and;

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

sd/-
05/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-1435[I] dated 06/02/2024)

ORDER IN
CRL OP(MD) No.1437 of 2024
Date :05/02/2024

SA/GS/SAR. /09.02.2024/6P/6C

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