



Crl.O.P.(MD)No.1946 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). Nos.1946 and 1954 of 2024

G.Karthi,

... Petitioner/ Accused No.6
in Crl.O.P.(MD)No.1946 of 2024

Nagarajan,

... Petitioner/ Accused No.5
in Crl.O.P.(MD)No.1954 of 2024

Vs

The Inspector of Police,
Karur Town Police Station,
Karur.
Crime No 50/2024.

... Respondent/ Complainant
in both petitions

For Petitioner (in Crl.O.P.(MD)No.1946 of 2024)
: Mr.P. Saravanakumar,
Advocate.

For Petitioner (in Crl.O.P.(MD)No.1954 of 2024)
: Mr.S.Mahendrapathy
Advocate.

For Respondent (in both petitions)
: Mr.B.Nambi Selvan,
Additional Public Prosecutor



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WEB COPY PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.50 of 2024 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A5 and A6 who were arrested and remanded to judicial custody on 22.02.2024 for the offences punishable under Section 174 of Cr.P.C., @ Sections 306 and 384 of IPC r/w Section 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.50 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that A1 is running a Finance Company and the petitioners are employees of the said Finance Company. The defacto complainant approached the said Finance Company to purchase a Cellphone. The petitioner's Finance Company gave a loan to the deceased wife of the defacto complainant for the purchase of Cellphone. 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 petitioners went to the house of the defacto complainant and abused his deceased wife in filthy language and also threatened her to return the amount.

<https://www.mhc.tn.gov.in/judis>



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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 petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that admittedly, the petitioners 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 petitioners went to the house of the defacto complainant, on 11.01.2024. But, the deceased committed suicide after 9 days of the occurrence i.e., on 20.01.2024. He further submitted that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD) No.1402 and 1437 of 2024, dated 05.02.2024. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State submitted that on behalf of one Shahul, who is the neighbour of the defacto complainant, the defacto complainant, borrowed money from the petitioners' Finance Company for purchasing a Cellphone. After obtaining loan, the said Shahul failed to repay the



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same. But, the petitioners 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. Further, the investigation is at preliminary stage. Hence, he opposed to grant bail to the petitioners.

5.This Court perused the FIR. From the perusal of FIR, it is revealed that the petitioners are the employees of the said Finance Company and they 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 20.01.2024.

6.Considering the facts and circumstances of the case and also considering the facts that except the allegation against the petitioners that they are the employees of the said Finance Company, no other allegation has been attributed against them and the co-accused have already been granted anticipatory bail by this Court, this court is inclined to grant bail to the petitioners, subject to the following conditions:



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7. Accordingly, these Criminal Original Petitions are ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur, and on further conditions that:

(a) 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 petitioners are directed to appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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]; and;



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

sd/-
08/02/2024

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08/02/2024
Sub-Assistant Registrar (CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

TO

1. The Judicial Magistrate No.I, Karur.
 2. Do-Through The Chief Judicial Magistrate,
Karur District.
 3. The officer in charge, Sub Jail, Karur.
 4. The Inspector of Police,
Karur Town Police Station, Karur.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.P.SARAVANAKUMAR, Advocate (SR-1598[I] dated 08/02/2024)
- +1. CC to MR.S.MAHENDRAPATHY, Advocate SR.No.1596



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ORDER
IN
CRL OP(MD). Nos.1946 and 1954 of 2024
Date :08/02/2024

RK/RL (08/02/2024) 7P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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