



CRL OP(MD) No.4853 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4853 of 2024

PANDI @ PANDIARAJAN

... PETITIONER/ ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION
VIRUDHUNAGAR DISTRICT.
CRIME NO.520/2020.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.GANDHI, Senior Counsel for
M/S.GANDHI ASSOCIATES

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.520/2020 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence punishable under Section 174 Cr.P.C., altered into Section 306 IPC

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



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in Crime No.520 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband borrowed amount from the petitioner herein. Hence, he tortured the husband of the defacto complainant to execute power of attorney in his favour. That apart, he borrowed loan from the Bank and gave the same to one Veeramurgan and he failed to pay interest to the Bank and therefore, the Bank officials harassed him over phone. Due to the same, the defacto complainant's husband committed suicide. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that in the suicide note itself the deceased mentioned that he borrowed loan from the petitioner herein and the same was demanded by him. The allegation is not only against the petitioner but also other village people. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that in the suicide note the deceased specifically mentioned the name of the petitioner that he tortured the deceased to execute power of attorney in his name. Accordingly, he prayed to dismiss the petition.

5.It is seen that the deceased borrowed loan from the petitioner. The petitioner



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demanded repayment of amount or execute power of attorney in his favour. Except this allegation, there is no specific allegation against the petitioner.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi 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 their 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 their identity;

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

until further orders;

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(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/-
27/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAKASI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-3784[I] dated 27/03/2024
)

ORDER
IN
CRL OP(MD) No.4853 of 2024
Date :27/03/2024

PKP/JGB/SAR /04.04.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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