



CRL OP(MD)No.10981 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.07.2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.10981 of 2024

Arunkumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
The Inspector of Police,
CBCID South Police Station,
Virudhunagar District.
(Crime No.1 of 2024)

... Respondent/ Complainant

(cause title is amended as per order
dated 31.07.2024 made in CrI.MP(MD)No.7701/ 2024)

For Petitioner : Mr.P.Govindarajan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Cr No.1 of 2024 on the file of the respondent Police.

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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.05.2024 for the offence punishable under Section 174 Cr.P.C., altered into Sections 4 and 9 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act and Section 306 IPC in Cr.No.1 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's son, by name, Lingam borrowed huge amount from various persons. The money lenders frequently asked to repay the amount and therefore, the defacto complainant's son committed suicide along with his family members. Hence, the case.

3.The learned counsel for the petitioner would submit that the defacto complainant's son has borrowed money to the tune of Rs.20,00,000/- for the purpose of his daughter's marriage and family expenses and the petitioner helped the deceased and his family then and there by giving money subsequently was repaid by them. However, the said Lingam borrowed money from various persons apart from the petitioner upto Rs.1 Crore. While so, on 23.05.2024, the said Lingam has committed suicide along with his family members. He would further submit that the

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petitioner is innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 31.05.2024. Hence, the learned counsel seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant's son borrowed money from the petitioner and other persons. The money lenders frequently asked to pay exorbitant interest and hence, the defacto complainant's son committed suicide along with his family members. Further, he would submit that as of now, 31 witnesses have been examined in this case. He would further submit that initially this case was registered by the Thiruthangal Police Station and thereafter, the case was transferred to the respondent/CBCID.

5. Considering the facts and circumstances of the case and also considering the fact that in this case, 31 witnesses have been examined and now the case has been transferred to the CBCID and also considering the fact that the petitioner is in judicial custody from 31.05.2024, this Court is inclined to grant bail to the petitioner on certain conditions.



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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 No.II, Virudhunagar.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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

[iii] the petitioner shall not tamper with evidence or witness;

[iv] the petitioner shall not abscond during trial.

[v] 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 himself as laid down by the

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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
29/07/2024

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31/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS/SKN
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT,
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR.
- 5 THE INSPECTOR OF POLICE
CBCID SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.GOVINDARAJAN, Advocate (SR-8887[I] dated 29/07/2024)

ORDER
IN
CRL OP(MD) No.10981 of 2024
Date :29/07/2024

PKP/31.07.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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