



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2798 of 2025

Marimuthu

S/o.Sivamani, No.40/7, V.Nagar 5, Rasipuram,
Namakkal District.

Petitioner(s)

Vs

The State By, Inspector Of Police,
Rasipuram Police Station, Namakkal District
(Crime No. 23/2025)

Respondent(s)

For Petitioner(s):

M Dinesh
J. Titus Enock
M.Karthik
V. Janaranjani

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 108 of BNS, 2023 in Crime No.23 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the husband of the defacto complainant had availed a loan from the petitioner. Even though the deceased/husband of the defacto complainant had repaid the entire loan amount; that the petitioner continued to demand additional interest. As a result, the deceased committed suicide and had written a suicide note.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that, in fact, the deceased obtaining the loan is not in dispute, but the petitioner had only demanded the repayment of the loan amount. He further submits that the allegations do not constitute an offence under Section 108 of BNS, 2023 and therefore, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the allegation against the petitioner is that he demanded more amount even though the deceased has repaid the loan. The petitioner further demanded interest and harassed the deceased. Hence, he opposes for the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. It is well settled that there must be a positive act by the accused to attract offence of abetment of suicide. The suicide note only reveals that the petitioner demanded repayment of loan. In any case, since the custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 ***Judicial Magistrate Court, Rasipuram, Namakkal District*** 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.02.2025

rpl

To

1.The Inspector Of Police,
Rasipuram Police Station, Namakkal District

2.The Public Prosecutor, High Court of Madras,
Chennai



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SUNDER MOHAN,J.

rpl

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