



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.3939 of 2025

K.Balaji

...Petitioner/Accused Rank Not Known

Vs.

The State Represented by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
(Crime No.29 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
his arrest in Crime No.29 of 2025 by the respondent police pending investigation
and grant Anticipatory bail.

For Petitioner : Mr.Bharanidharan S

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner/accused, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 194 of BNSS/ Section
174 of Cr.P.C., @ Section 108 of BNS/ Section 306 of IPC in Crime No.29 of



2025 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that *de-facto* complainant's husband was running a business, including a Dhaba; and that he became acquainted with the petitioners since they visited the Dhaba; that the petitioners introduced the *de-facto* complainant to play online rummy; that the *de-facto* complainant's husband lost lakhs of rupees due to that and also paid sum of Rs.70 lakhs to the petitioners; that since the *de-facto* complainant's husband had suffered huge loss and the petitioners refused to return the said amount, the *de-facto* complainant's husband committed suicide by hanging. Hence, the case.

3. Learned counsel for the petitioner would submit that the allegations are false; that the allegations only disclose a financial transaction between the *de-facto* complainant's husband and the accused; that the co-accused were granted anticipatory bail by this Court vide its order dated 07.02.2025 in CrI.O.P.No.3136 of 2025; and that in any case custodial interrogation of the petitioner is not required and sought anticipatory bail for the petitioner.

4. Learned Government Advocate (CrI. Side) for the respondent



reiterated the prosecution case and on instructions submitted that the accused and the *de-facto* complainant's husband jointly earned a profit of Rs.70 lakhs; that the petitioners and the other accused refused to give the share to the *de-facto* complainant's husband and thus, committed suicide. Hence, he opposed for grant of anticipatory bail.

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 for the prosecution to establish that the petitioners had committed a positive act to abet the commission of suicide. Hence, considering the nature of allegations, the fact that co-accused have been granted anticipatory bail by this Court in Crl.O.P.No.3136 of 2025 dated 07.02.2025 and since custodial interrogation of the petitioner is not required for the purpose of investigation, 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



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event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Komarapalayam**, 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, on further condition that:

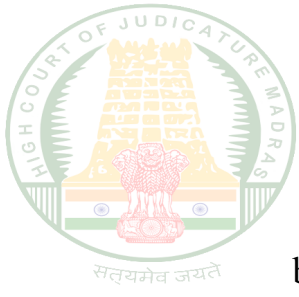
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

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To

- 1.The Judicial Magistrate, Komarapalayam.
- 2.The Inspector of Police, Komarapalayam Police Station, Namakkal District.
- 3.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN,J.
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