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CRL O.P. No.5664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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P. Vasantha W/o. Ponnusamy ... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
[Cr. No.25 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.25 of 2025 on the file of the respondent police.

For Petitioner : Mr. J. Johnsy Greeta

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offence punishable under Section 194 B.N.S.S.
@ 108 B.N.S.S. in connection with the case in Crime No.25 of 2025,
seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son and the petitioner had property dispute; that a complaint was lodged against the defacto complainant and both the parties were called for enquiry, that during the enquiry, the Inspector of Police had demanded money from the defacto complainant for not registering the FIR and further threatened him with dire consequences if the money is not paid and that thereafter, the deceased committed suicide.

3. The learned counsel for the petitioner would contend that the petitioner has nothing to do with the alleged demand of money by the said Inspector of Police; that A1 had lodged a complaint before the police and the allegations in the FIR would clearly show that it is not on account of dispute between A1 and the deceased; that the deceased had committed suicide only due to the demand of bribe by the Inspector of



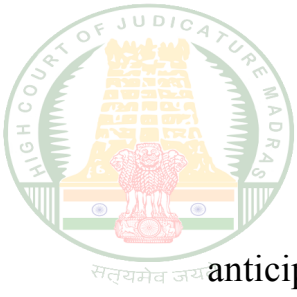
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Police; and that in any case, custodial interrogation of the petitioner is not required and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that initially the case was registered under 194 B.N.S.S. and thereafter, altered to Section 108 of B.N.S.S. and now the case is pending investigation. The learned Government Advocate further submitted that action has been taken against the Sub-Inspector of Police.

5. A reading of the FIR would suggest that there are no allegations against the petitioner as regards any positive act towards abetment of suicide by the deceased. The allegations have been made only against the police officials. Hence this Court is of the view that, considering the aforesaid facts, custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant



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anticipatory bail to the petitioner on certain conditions.

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6. 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, Pennagaram** on condition that the petitioners shall each execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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 as and when required for interrogation;**

[c] the petitioner shall not tamper with evidence or witness either



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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]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

03.03.2025

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To

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1. The Judicial Magistrate, Pennagaram.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Eriyur Police Station, Dharmapuri District.

SUNDER MOHAN. J.,

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