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CRL OP No. 8066 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 8066 of 2025

1. Sankar

S/o Ramalingam, No.9/56,
Maniyakaran Valavu, Edapadi,
Koranampatti, Salem District

2. Tamilarasan

S/o Alagesan
2/48, Sathyanagar, Kosavapatti,
Perumampatti, Salem District

Petitioner(s)

Vs

1. State Represented by

The Sub Inspector of Police
Tharamangalam Police Station, Salem
District. Ref.Crime No.43 of 2025

Respondent(s)

CRL OP No. 8066 of 2025

PRAYER

To enlarge the Petitioners on anticipatory bail in the event of their arrest in Connection with Crime No. 43 of 2025 pending investigation on the file of the respondent and thereby render Justice.



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For Petitioner(s): Mr. S. Sheik Ismail

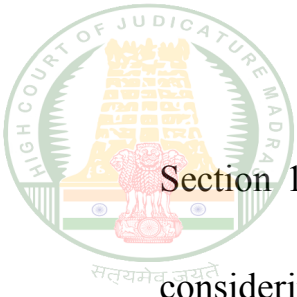
For Respondent(s): Mr. S. Santhosh,
Government Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 194 of BNSS in Crime No. 43 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the first petitioner is a Bank Manager and the second petitioner is a collection agent in Grama Sakthi Finance Company; and that the defacto complainant had obtained loan in the said Finance Company; and that the second petitioner had gone to the house of the victim and demanded the re-payment of loan and thereafter, the victim had committed suicide by hanging.

3. Learned counsel for the petitioners would submit that the petitioners have nothing to do with the alleged commission of suicide; that there is no amount due to the petitioners; and that the case was initially registered under



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Section 194 of BNSS and thereafter, altered to Section 108 of BNS; and that considering the nature of allegations, custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) on instructions submitted that the first petitioner is not a named accused in the alteration report filed by the respondent; and that the second petitioner is the collection agent and had demanded re-payment of loan amount and after which the deceased committed suicide. He further submitted that the deceased had not written any suicide note.

5. This Court had perused the FIR. It is seen from the FIR that the defacto complainant had stated that certain persons came to the house and demanded re-payment of the loan amount and thereafter, the victim committed suicide. The case was initially registered under Section 194 of BNSS and thereafter, altered to Section 108 of BNS.

6. Considering the nature of allegations in the FIR, the aforesaid facts and since there is nothing prima facie to suggest any positive act on the part of the

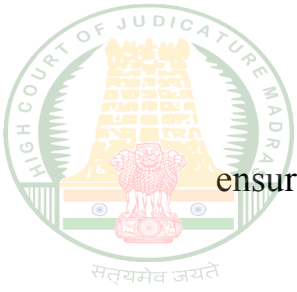


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second petitioner to abet the commission of suicide by the victim, this court is of the view, custodial interrogation of the second petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Since the first petitioner is not an accused, the petition in respect of the first petitioner is closed recording the said fact.

7. Accordingly, the second 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 on which the order copy made ready, before **the learned Judicial Magistrate, Omalur**, on condition that the seonc petitioner shall execute 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 condition that:

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

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

[d]the second 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 B.N.S.

19-03-2025

AT

Index:Yes/No



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SUNDER MOHAN, J.

AT

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To

1.State Represented by
The Sub Inspector of Police
Tharamangalam Police Station,
Salem District.
Ref.Crime No.43 of 2025

Crl. O.P. No. 8066 of 2025