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CRL O.P. No.8695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.8695 of 2025

1. Selvam S/o. Mani Chinnappagounder
2. Madeshwaran S/o. Sellamuthu ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Tharamangalam Police Station,
Salem District. ... Respondent
[Cr. No.43 of 2025]

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.43 of 2025 on the file of the respondent police.

For Petitioner : Mr. R.L. Dhilipan Pandian

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

ORDER



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The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 194 B.N.S.S. @ 108 B.N.S. in connection with the case in Crime No.43 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the deceased had borrowed money from the finance company, in which, the petitioners are working; that the petitioners demanded repayment of loan and that the deceased committed suicide by hanging.

3. The learned counsel for the petitioners would contend that the allegations against the petitioners are false; that even as per the FIR, the deceased had matrimonial dispute with his wife and his wife left the matrimonial home; that apart from the allegation that the petitioners had demanded repayment of loan, there is no other allegations to substantiate the offence under Section 306 IPC/108 of B.N.S.; and that in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, confirmed the aforesaid facts and submitted that it is only, on the day, the petitioners demanded repayment of loan, the deceased committed suicide and investigation is pending.

5. On perusal of the FIR, it is seen that the deceased had matrimonial dispute with his wife, who left the matrimonial home. The only allegation against the petitioners is that they demanded repayment of loan. There is no any material to suggest that the petitioner had committed any positive act to abet the commission of suicide by the deceased. Hence this Court is of the view that, considering the aforesaid facts, custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned



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Judicial Magistrate, Omalur, Salem District 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;**

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

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

24.03.2025

mjs

To

- 1.The Judicial Magistrate, Omalur, Salem District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Tharamangalam Police Station, Salem District.

SUNDER MOHAN. J.,

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