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Crl O.P.No.9568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **01.04.2025**

CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9568 of 2025

D Dheenadayalan

Petitioner/A2

Vs

The State Rep by,
The Sub-Inspector of Police,
E-5, Sholavaram Police Station,
Chennai – 600 067.
(Crime No.182 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner /Accused on
anticipatory bail in the event of arrest in Crime No. 182 of 2025 pending
on the file of the respondent police.

For petitioner	:	M/s.John Sathyan, Senior Counsel for M/s.Kalidas Jaganathan
For de facto complainant /Intervener	:	M/s.S Sengkodi
For Respondent	:	Mr.S.Balaji Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 194 of the
BNSS altered @ Section 108 of the BNS in Crime No.182 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 deceased, who was the husband of the de facto complainant, was working as a Driver with the first accused; that he had taken a loan and did not repay the same; that he was irregular in payment and did not turn up for duty for several days; that the deceased wanted to leave the job; that the first accused and the petitioner, who is the son of the first accused, demanded the repayment of the loan amount and withheld his driving license and hence, the deceased committed suicide.

3. The learned counsel for the petitioner submitted that the first accused was arrested and is still in custody; that he was the one who had employed the deceased; that the petitioner is the son of the first accused; that he did not commit any positive act to abet the commission of suicide and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. The learned counsel for the de facto complainant vehemently opposed the grant of anticipatory bail to the petitioner and submitted that the poverty of the deceased was taken advantage of by the



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petitioner and only because of harassment, he had committed suicide.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed the fact that the petitioner had obtained a loan and did not repay it, and the petitioner and the first accused had harassed the deceased, which forced him to commit suicide.

6. Admittedly, the first accused was arrested and is still in custody. The petitioner is the son of the first accused. The deceased was employed by the first accused and the allegations against the petitioner is that he had demanded repayment of the loan amount obtained by the deceased and thereafter the deceased committed suicide.

7. Considering the aforesaid facts, the submissions on either side, the nature of the allegations against the petitioner and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.



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8. 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 No.II, Ponneri** 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:

[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 everyday 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.



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[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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SUNDER MOHAN, J.

vca

To,

1. The Sub-Inspector of Police,
E-5, Sholavaram Police Station,
Chennai – 600 067.
2. The Judicial Magistrate No. II,
Ponneri.
3. The Public Prosecutor,
Madras High Court.

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