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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12474 of 2025

N.Palanishamy

Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
G-5 Secretariat Colony Police Station,
Kilpauk, Chennai - 600 010.
(Crime No.64 of 2025)

Respondent(s)

For Petitioner(s): Mr.G.Prabakaran

For Respondent(s): Mr.S.Balaji

Government Advocate (Criminal Side)

PRAYER

To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.64 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 108 of BNS in Crime No.64 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 victim, who was the grandfather of the defacto complainant, had purchased onions from A1 and was due to pay a sum of Rs.11,00,000/- ; that A1 asked the victim to pay the said sum; that since the victim was unable to pay, A1 had compelled the deceased to register a property in his favour; that the victim also had borrowed money from three persons (A3 to A5) who demanded repayment of the loan with exorbitant interest; and that on 04.03.2025, A3 to A5 abused the victim in filthy language, as a result of which, on 09.03.2025, the victim committed suicide by consuming liquor with pesticides. Hence the case

3. Learned counsel appearing for the petitioner submitted the allegations against the petitioner are false; that the victim was due to pay money to the petitioner, which is not disputed; that the petitioner never abetted commission of suicide, and even if the prosecution case is accepted to be true, the mere words uttered in a fit of anger would not amount to abetment of suicide; that A1 has already been granted anticipatory bail by this Court and that in any case, custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner.



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4. 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 produced a copy of the suicide note and also the dying declaration of the deceased and opposed the grant of anticipatory bail to the petitioner since he abetted the victim to commit suicide.

5. In the suicide note, the victim stated that he was due to pay money to the petitioner and that the petitioner demanded registration of a property of the victim in his favour. Thereafter, in the suicide note, the victim had stated that the accused were the cause of his suicide. The allegations, even if accepted to be true, reveal that the petitioner had demanded payment of money due to him. It is for the prosecution to establish in the trial that the petitioner had abetted the commission of suicide. Considering the nature of the allegations, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



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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 on which the order copy made ready, before the learned **II Metropolitan Magistrate, Egmore, Chennai-08**, on condition that the petitioner shall execute a separate bond each 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

gbi

24-04-2025

To

1. The Inspector of Police,
G-5 Secretariat Colony Police Station,
Kilpauk, Chennai - 600 010.

2. The II Metropolitan Magistrate,
Egmore, Chennai-08



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SUNDER MOHAN J.

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