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Crl.O.P.No.32344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32344 of 2024

T.R.Prabu
S/o.Ramasamy, No.15/22, Thottadhuvalasu,
Eenapuram, Erode District. and another

Petitioner(s)

Vs

State By The Inspector Of Police
Appakoodal Police Station, Erode District.
Crime No.362 Of 2024

Respondent(s)

For Petitioner(s):

C.Munusamy
V.Suguna
M.Sudha

For Respondent(s):

S.Santhosh, Government Advocate (criminal Side)
Madras High Court.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 108 of BNS, 2023 in Crime No.362 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution as per the defacto complainant one Baby Anitha is that, the petitioners along with other accused persons had cheated the defacto complainant's husband's money and abused him using filthy language, thereby, the defacto complainant's husband on extreme pressure committed suicide by consuming pesticide, leaving behind suicide note in his phone. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and no way connected to the offence. He would further submit that there is a civil dispute between the first accused family and the petitioners family, therefore, in order to wreck vengeance, the petitioners have been falsely implicated in this case. He further submitted that the main accused persons A1 and A2 have been arrested and released on bail and there is no specific allegation against the petitioners herein. He also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and also to co-operate for the investigation. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent Police opposed for granting of anticipatory bail to the petitioners by stating that, the petitioners along with other accused had cheated the defacto complainant's husband money and abused him, thereby incited him to commit suicide. He also submitted that the investigation is still pending.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, including the FIR and the phone recording of the deceased.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the main accused persons were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. 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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Bhavani** on condition that the petitioners shall 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 condition 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 first petitioner/ T.R. Prabhu shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders, the second petitioner/ Radhamani shall report before the respondent police everyday at 10:30 a.m., for a period of one week and thereafter, as and when required for interrogation.**



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[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 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].

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

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A.D. JAGADISH CHANDIRA, J.

stn

To

1. State By The Inspector Of Police
Appakoodal Police Station, Erode District.
Crime No.362 Of 2024.

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