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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5402 of 2015

AYYAR ... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DT,
CRIME NO.58/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SOLAISAMY Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.58 of 2015, on the file of the respondent police for the offence under Section 306 IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side).

3. It is seen that the deceased by name Nallamalai was working as a salesman in A.Puthupatti Primary Co-operative Society, wherein this petitioner is working as Secretary. It was observed during Auditing that there was a shortfall in the accounts of the Society. In this regard, this petitioner appears to have warned Nallamalai that he would take departmental action against him and would suspend him. Thereafter, the said Nallamalai committed suicide on 17.03.2015 by consuming poison. His wife Pandiammal has lodged the present complaint alleging that this petitioner and the other officer bearers of the Society are responsible for the death of her husband.

4. It is seen that the petitioner had not instigated or done any of the act as required under Section 107 IPC for abetting the suicide of Nallamalai. When there was a shortfall in the account, it is but natural for the employer to question the employee and take departmental action against him. For those reasons, if an employee is going to commit suicide, it will be a traversity of justice to have the employer arrested.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner, but with conditions.

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6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Usilampatti on executing a separate bond for a sum of

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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 and on further condition that,

(a) The petitioner shall report before the respondent police as and when required.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-
24/03/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.I,USILAMPATTI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.M.SOLAISAMY Advocate SR.No.14436

ORDER
IN
CRL OP(MD) No.5402 of 2015
Date :24/03/2015

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