

CRL.O.P.Nos.10339, 10469 & 10483 of 2016

S.VAIDYANATHAN, J.

The petitioners, who are arrayed as A2 to A4 , apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC in connection with Crime No.41 of 2016, have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the deceased had borrowed a sum of Rs.30,000/- from the first accused and repaid more than Rs.1,20,000/- towards principal and interest. Despite the same, the first accused was demanding Rs.2,00,000/- from the deceased. For non-payment of the said amount, the petitioners along with A1 are alleged to have trespassed in to the house of the deceased and threatened her, due to which the deceased committed suicide by self immolation.

3. The learned counsel for the petitioners submitted that the no specific overt act has been attributed against the petitioners and petitioners have been falsely implicated in this case. He further submitted that A1 in this case has already been arrested and enlarged on bail.

4. The learned Government Advocate (Crl. Side) submitted that the deceased has left a suicide note and that investigation is pending in this case and hence opposed for grant of anticipatory bail to the petitioners.

5. On perusal of the suicide note, it reveals that the allegations are against Bharathi/A1, who has been arrested and enlarged on bail by the Principal Sessions Judge, Vellore, by an Order dated 29.03.2016. Whether the petitioners herein are really involved or not has got to be revealed during investigation. Since the custodial interrogation of the petitioners is not required and considering the facts and circumstances of this case, I am inclined to grant anticipatory bail to the petitioners.

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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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Vaniyambadi on each of them executing 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 learned Magistrate concerned and on further condition that :

[a] the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[c] the petitioners 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]**.

02.06.2016

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