

CRL.O.P.No.10412 of 2016**S.VAIDYANATHAN, J.**

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 306 of IPC in connection with Crime No.83 of 2014, the petitioner has come forward with this petition seeking anticipatory bail.

2. The petitioner is the brother of the deceased and he is working as a police constable. The case of the prosecution is that the petitioner with his influence has compelled the deceased to execute the release deed in his favour for obtaining job for the son of the deceased. Further the petitioner insisted the deceased and his family members to vacate from the said premises. Due to the mental agony caused by the petitioner, the deceased committed suicide.

3. The learned counsel for the petitioner submitted that the petitioner is residing at Chennai and he has not committed any such offence. After receiving consideration only, the release deed has been executed in favour of the petitioner in the year 2011. Subsequently, another property has been settled by the mother of the petitioner in favour of the deceased. Due to property dispute between the family members, the petitioner has been falsely implicated in this case.

4. It appears that the deceased was insisting that the property which was released in year 2011 has to be settled in his favour and that the petitioner was insisting the deceased and his family members to vacate from the premises and this made the deceased to commit suicide. The complaint was made by the wife of the deceased.

5. Even though, this Court has rejected the anticipatory bail petition of the petitioner in Crl.O.P.No.5849 of 2016 on 21.04.2016, no action has been initiated by the respondent police and this Court feels that there is no need for custodial interrogation in the present circumstances of the case and hence this Court is inclined to grant anticipatory bail to the petitioner.

S. VAIDYANATHAN, J.

VRC

7. 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, Thiruthuraipoondi on his 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 petitioner 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 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 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]**.

02.06.2016

VRC

CRL.O.P.No.10412 of 2016