

CrI.OP No.10678 of 2016]**S.VAIDYANATHAN, J**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C. altered to 306 I.P.C. in Crime No.131 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel on either side.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and ignorant of the prosecution case.

4. The case of the prosecution is that the petitioner has purchased a car for a total sale consideration of Rs.3,50,000/- from one Pradeep, who was doing the business of selling and buying cars, in which, the petitioner has paid a sum of Rs.2 lakhs as advance to the said Pradeep and for the remaining amount of Rs.1,50,000/-, he has to pay to Nahar Finance and get back the documents relating to car, Thereafter, having committed default in paying the remaining amount, there was a dispute between the petitioner and the deceased Pradeep. On 14.04.2016, at about 8 a.m. Pradeep was asked to come by the petitioner stating that he is having the remaining balance amount to be paid and by paying it, the documents had to be obtained from Nahar Finance by Pradeep and thereafter, to be handed over to the petitioner. Thereafter, on the same day viz., 14.04.2016, the said Pradeep, went to Ooty by a Car belonging to one Muthan, who is the relative of the petitioner, where he was threatened by the petitioner and Pradeep made a phone call to his friend Thiagu and with the help of his friend Thiagu, Pradeep was brought back to Kothagiri. The accused who ranked as A1 in this case, detained the said car, which was travelled by Pradeep. After coming to the house of the petitioner, on 14.04.2016 at about 5.30 p.m., the said Pradeep was found unconscious in school ground due to consuming poison. The father of the deceased Pradeep had informed Thiagu and the said Thiagu took Pradeep to Government Hospital, Kothagiri. After giving first-aid, Pradeep was sent to Government

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Hospital, Ooty and thereafter, there was further treatment in Government Hospital, Coimbatore, where he succumbed to death.

5. Considering the facts and circumstances of the case and also the fact that there is no bad antecedents against the petitioner, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, **before the learned Judicial Magistrate, Kothagiri**, on condition that each of the petitioners executes 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 report 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]**.

07.06.2016