

Crl.O.P.No.6258 of 2016**K.KALYANASUNDARAM, J.**

The petitioners, who are arrayed as A-1 to A-4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 306, 294[b] and 506[i] of IPC in Crime No.178 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the deceased, namely, Ajith Kumar was studying second year B.E. Course in St.Joseph College of Engineering at Sriperumbudur, Kancheepuram District. While so, on 01.03.2016, his parents were called to the College and in their presence, the accused threatened their son stating that he has committed mistake and he has to pay Rs.5,000/- as fine. Subsequently, the accused have not provided proper food to him, so having felt humiliated, he committed suicide by hanging on 07.03.2016.

3.Mr.S.Kasirajan, learned counsel appearing for the petitioners would submit that 1st petitioner is a Principal, 2nd petitioner is a Vice Principal, the petitioners 3 and 4 are Campus Manager and Correspondent-cum-Administrator of St.Joseph College of Engineering respectively and they have been falsely implicated in this case with an ulterior motive. It is further submitted that the deceased was not studying properly and on 07.03.2016, the results were published and out of 15 papers, the deceased has failed in 13 papers and therefore, he committed suicide on the same day. It is also submitted that after the occurrence, a group of advocates have gathered in front of the College demanding money from the Management, when it was refused they helped the de facto complainant to file a false complaint against the petitioners.

4.Learned counsel appearing for the petitioners further submitted that the petitioners did not have *mens rea* or intention for commissioning the offence and therefore, the ingredients for an offence under Section 306 of IPC is not made out in this case.

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5.Per contra, learned Government Advocate appearing for the respondent has filed a detailed counter opposing the anticipatory bail petition. It is further submitted that the accused have reprimanded the deceased in the presence of his parents and subsequently, they did not provide proper food. Since the accused have abetted commission of offence, they are not entitled for any indulgence of this Court.

6.Considering the above facts and circumstances of the case, 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 before the learned Judicial Magistrate, Sriperumbudur and 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

31.03.2016

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