



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14178 of 2016

KAMAL @ KAMALANATHAN

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 346/2016

... RESPONDENT/COMPLAINANT

DHATCHINAMOORTHY

... PETITIONER/INTERVENER

FOR PETITIONER : M/S D.S.HAROON RASHEED, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)
FOR INTERVENOR : M/S.R.GANDHI, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1 , apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of IPC, in Crime No.346 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant is working at ST Courier and the same was run by the petitioner. When the defacto complainant was driving the vehicle from Madurai to Bangalore he met with an accident and dashed against the bullock cart. Due to that, the petitioner was pressurising the defacto complainant to pay a sum of Rs.60,000/- as compensation for the damages. The defacto complainant's son paid a sum of Rs.20,000/- and was taking time to pay balance Rs.40,000/-. Due to the torture and pressure by the petitioner for the balance amount, the son of the defacto complainant committed suicide. On complaint, case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is sub Dealer of ST Courier Limited and the deceased belonged to Paramakudi area he was working as a driver. When the



deceased drove vehicle from Madurai to Bangalore he met with an accident and at the time of accident he was consuming liquor and hence, he was terminated from the office. For the past one month there was no nexus between the petitioner and the deceased. Only to extract money from the petitioner false complaint is given.

4. The learned counsel appearing for the intervenor submitted that son of the deceased was tortured by the petitioner for payment of damages and hence, he paid a sum of Rs.20,000/- and thereafter, demanded further sum of Rs.40,000/- and due to that torture by the petitioner, the deceased committed suicide and raised objections for granting anticipatory bail in favour of the petitioners.

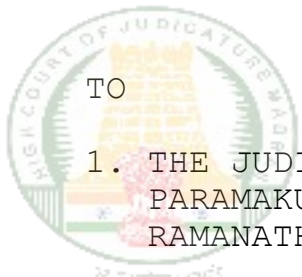
5. The learned Government Advocate (Criminal side) submitted that the investigation of the case is pending.

6. Considering the nature of allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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, Paramakudi, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 am until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
22/08/2016



TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO M/S.R.GANDHI, ADVOCATE IN SR No. 46501
+ 1 CC TO MR.D.S.HAROON RASHEED, ADVOCATE IN SR No. 46213

ORDER
IN
CRL OP(MD) No.14178 of 2016
Date :22/08/2016

TRP

TE/SS-3/SAR-III : 23/08/2016 : 3P/7C (IT)