

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.21659 of 2018

SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILUPURAM DISTRICT.
CR.NO. 306 OF 2018

For Petitioner : M/S.OM SAI RAM Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 174 of Cr.P.C and subsequently altered to Section 306 of IPC in Crime No.306 of 2018, seeks anticipatory bail.

2. Hearth both sides.

3. This is the second anticipatory bail application. The case of the prosecution is that the de-facto complainant one Janarthanan S/o Nagarathinam is that on 21.06.2018, there was a dispute between the deceased and the petitioners in respect of purchase of a property, thereafter, the matter was compromised by the members of the village. While so, on 08.07.2018 the 2nd accused had threatened the mother of the de-facto complainant saying that how could she come and live by purchasing the property near their land. Thereafter, the mother of the de-facto complainant informed the villagers, while so on 15.07.2018 at 6.30 a.m while the father of the de-facto complainant was on his way to farm lands the 1st accused had way laid him and abused him and threatened him that he will not be allowed to go near his land. The de-facto complainant who was going along with his father questioned him thereafter the 1st accused had left that place. Due to the threat of the A1 the father of the de-facto complainant was humiliated and thereafter due to mental agony committed suicide by hanging in a tamarind tree.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and would submit that even according to the case of prosecution, there was previous enmity between the family of the de-facto complainant and the petitioner in respect of the property. He would submit that the entire reading of the FIR does not have any ingredients for the offence of abetment to commit suicide. He would submit that though the earlier application has been dismissed on 24.07.2018 no steps have been taken by the respondent to arrest the accused. However, he would further submit that major part of the investigation over and the petitioner renews his application for grant of anticipatory bail on the ground that investigation has been completed and the final report has been filed.

5. The learned Additional Public Prosecutor would submit that due to land dispute, the petitioner had threatened the de-facto complainant's father and mother. He would submit that earlier occasion also, the petitioner had assaulted the victim on 21.06.2018 and the deceased was admitted in the hospital and again on 08.07.2018 the petitioner has threatened the deceased (Nagarathinam). He would submit that there is evidence to show that the petitioner has threatened the deceased at 06.30 a.m on the date of occurrence and it has been spoken by one Boopal. He would submit that soon after the threat wielded by the petitioner in the morning, the victim had committed suicide.

6. He would further submit that taking into consideration there is no specific allegation against the second accused Murugesan, this court had granted anticipatory bail on 24.07.2018. Whereas in respect of the present petitioner, there is specific allegation and thereby, this Court had dismissed the application against him. He would submit that investigation is pending.

7. Taking into consideration that there was no allegation against the accused No.2 for abetting to commit suicide, this court had granted A.B for him. Whereas in respect of this petitioner/accused No.1, there is specific allegation that he had abetted the victim to commit suicide, this Court had dismissed the earlier application filed by the petitioner. There is no change of circumstances, investigation is pending. Therefore, I am not inclined to grant A.B to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
19/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILUPURAM DISTRICT.

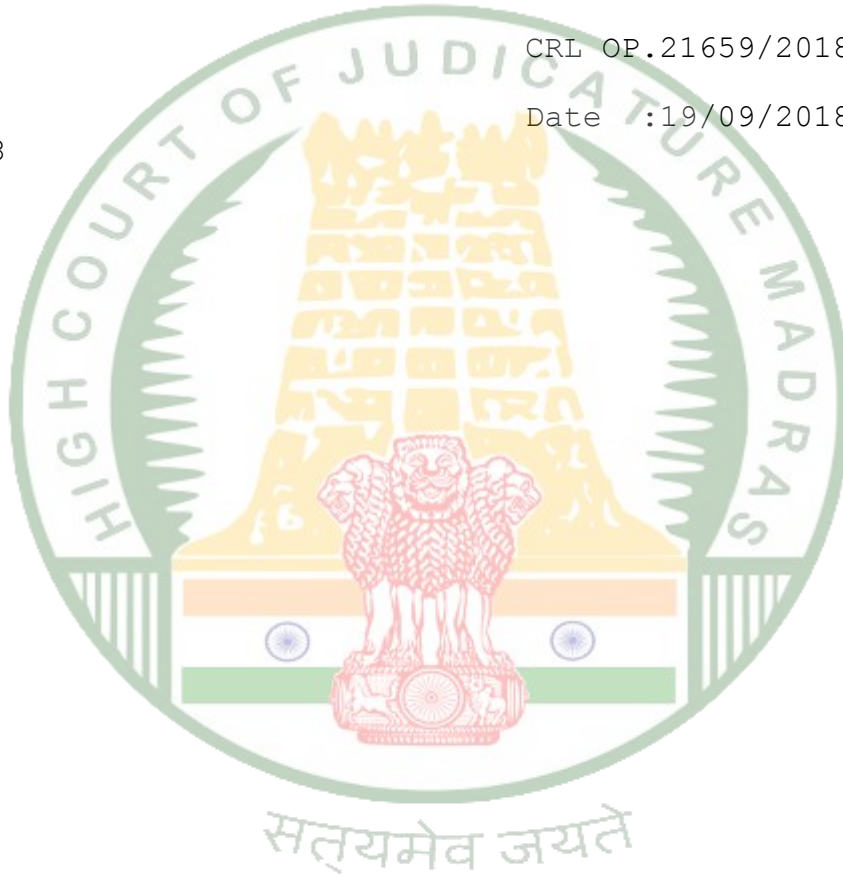
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.OM SAI RAM Advocate on payment of necessary
charges SR NO.17728

CRL OP.21659/2018

Date :19/09/2018

MK:03/10/2018



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