

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13778 of 2018

K.GUNASEKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHIPURAM.
CR.NO.248 OF 2018.

[RESPONDENT]

For Petitioner : M/S.K.THENRAJAN Advocate

For Respondent : MR. M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as A2 out of 2 accused and who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s.294[b], 323, 306 of IPC in Crime No.248/2018, seek anticipatory bail.

2. The case of the prosecution is that the deceased Rajesh, husband of the defacto complainant went to the petty shop of the petitioner's brother [A1] and had a wordy quarrel with A1 as regards the quality of the cigarette and subsequently, A1 and the petitioner herein assaulted the deceased and humiliated by the same, the victim committed suicide by pouring kerosene and setting him ablaze.

3. Heard both sides.

4. Having regard to the nature of the allegations and in view of the petty quarrel between the victim and the accused, the deceased appears to have committed suicide and that the investigation is substantially over and the statements of the witnesses have been recorded, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.2, Kanchipuram, on condition that the petitioner shall execute a bond for a sum of

Rs.10,000/- (Rupees ten thousand only) each 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 respondent police daily at 6.30 p.m for a period of two 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/05/2018

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHIPURAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHIPURAM.

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary charges SR.NO. 9751

CRL OP.13778/2018

Date :30/05/2018

RD 31/05/2018