

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.25073 of 2018

R.MANOKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.
(CR.NO.364/2018)

For Petitioner : M/S.A.M.NATRAJ Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 306 of IPC in Crime No. 364 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the husband of the deceased lodged a complaint, alleging that the deceased was working as a clerk in the Bellathi Primary Agricultural Co-operative Society. On 03.09.2018, when the Secretary of the Bellathi Cooperative Society had given an interview to the press stating that the deceased had misappropriated to the tune of Rs.3 crores. When the de-facto complainant questioned about it, the Secretary and other accused scolded and threatened her. Therefore, she attempted to commit suicide and admitted in the hospital for five days. Thereafter, on 24.09.2018, due to the act of the accused, the deceased got mental agony and she consumed poison and thereafter, she committed suicide by hanging. Hence, the defacto complainant had lodged a complaint before the respondent police.

4. The learned counsel for the petitioner would submit that the petitioner was working as a Secretary in Bellathi Primary Agricultural Co-operative Society, Karamadai, Coimbatore District. The allegation made against the petitioner is that the petitioner and other accused misappropriated to the tune of Rs.2 crores and enquiry was

conducted to prove the charge of misappropriation. Thereafter, the petitioner has paid his share to the deceased. In respect of the deceased share, she was unable to pay the same, she got mental agony and committed suicide.

5. The learned Additional Public Prosecutor would submit that the deceased committed suicide only because of the mental agony due to abusing language of the petitioner and used to threat the deceased. Earlier, she attempted to commit suicide and admitted in hospital for 5 days. Thereafter, on 24.09.2018, since the petitioner threatened the deceased over phone, she had committed attempted suicide and left a suicide note. In the suicide note she categorically stated that the petitioner and the other accused persons are the only reason to commit suicide.

6. On a perusal of the FIR and the suicide note, even according to the case of the prosecution, the petitioner scolded the deceased with filthy language and also gave an interview on 03.09.2018. Before that on 20.07.2018 itself, the deceased attempted to commit suicide and thereafter admitted into the hospital and discharged. Thereafter, on 24.09.2018 again she committed suicide. Therefore, there is no evidence to show that the petitioner instigated the deceased person to commit suicide.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Mettupalayam, Coimbatore District and on his 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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 shall stand dismissed.

-sd/-

14/11/2018

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,
METTUPALAYAM, COIMBATORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.A.M.NATRAJ Advocate on payment of necessary charges-
Sr.21356

CRL OP.25073/2018

Date :14/11/2018

ths : 16.11.2018



WEB COPY