

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.27633 of 2018

D.DEVARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY ITS
INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.894 OF 2018.

[RESPONDENT]

For Petitioner : M/S.G.THAMIZHAZHAGAN 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 at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 306 of IPC in Crime No.894 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the deceased borrowed a sum of Rs.15,000/- from the petitioner and one Mahesh @ Maheshkumar, prior to 5 years from the date of occurrence. Thereafter the deceased repaid the amount to the petitioner. Even then there was a calculation mistake the petitioner and one Mani demanded further payment from the deceased, due to which, Mahesh @ Maheshkumar scolded the deceased in filthy language and also assaulted him with bottle. Therefore after two days, i.e., 07.10.2018, the deceased committed suicide by hanging himself and died.

4. The learned counsel for the petitioner would submit that the petitioner arrayed as A1 and A2 is concerned, who was arrested and as such release an bail. Further the petitioner has no overt act against the deceased to commit suicide. Therefore, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner arrayed as A1 and A2 already arrested and released an bail. Though, they demanded more money, after payment of loan

borrowed by the deceased. Thus the 2nd accused scolded him in filthy language and also attacked with bottle. It is seen from the records that on 05.10.2018, there was wordy quarrel between the deceased and both accused. In that event A2 also beaten deceased with bottle. Therefore, the deceased committed suicide on 07.10.2018 by hanging. Further, there was no complaint was given by the deceased on 05.10.2018. Further it is seen that the A2 already arrested and granted bail. Therefore, A1/petitioner is concerned he demanded more money from the deceased.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioner has no bad antecedents, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is 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, Tiruttani, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

-sd/-
06/12/2018

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.G.THAMIZHAZHAGAN Advocate on payment of necessary charges-Sr.23331

सत्यमेव जयते CRL OP.27633/2018

Date :06/12/2018

ths : 13.12.2018

WEB COPY