



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

Friday, the Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.18953 of 2018

1 T.B.SRINIVASAN
2 T.B.KARTHICK

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.GANESAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

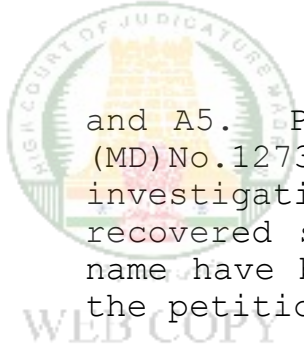
ORDER : The Court Made the following order :-

The petitioners, who are proposed A4 & A5 in S.C.No.37/2015, apprehend arrest at the hands of the respondent police for an alleged offences punishable under Section 306 of IPC., in Crime No.679 of 2012, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute over sharing of property, the accused abetted the deceased, for committing suicide.

3. The learned counsel appearing for the petitioners would submit that the petitioners, who are proposed A4 & A5 in S.C.No.37 of 2015 apprehending arrest on the basis of the proposed amended charge sheet to be filed by the respondent Police. The occurrence said to have taken place on 21.11.2012. The petitioners are Engineering Graduate, working in a Software Company respectively at Madurai and Chennai. The petitioners are innocent and they are nothing to do with the offence.

4. The learned Government Advocate (crl.side) appearing for the respondents, on instructions, would submit that there are totally five accused in this case and the petitioners herein are A4



and A5. Pursuant to the direction of this Court made in Crl.O.P (MD)No.12730 of 2016, filed by the brother of the deceased, re-investigation has been conducted by the respondent Police and recovered suicidal note of the deceased, in which the petitioners' name have been revealed. Therefore, the custodial interrogation of the petitioners is very much necessary.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. The petitioners' father T.R.Balan is the first accused in S.C.No.37 of 2015. The petitioners' father and his brother one T.R.Chandran are having civil dispute over sharing of property. The petitioners' paternal uncle had committed suicide by hanging, for which the above case was registered in Crime No.679 of 2012, for an offence under Section 306 of IPC and after investigation, the charge sheet was filed in S.C.No.37 of 2015, on the file of the learned 1st Additional District Judge, Madurai. In the first charge sheet, which was laid on 10.06.2014, only three persons viz., T.R.Balan, Kuttimani and Bala @ Balaji have been arrayed as accused, which is pending trial. In the meanwhile, the defacto complainant, who is the brother of the deceased, had filed a petition for direction before this Court in Crl.O.P(MD)No.12730 of 2016, for re-investigation, on the ground that the deceased suicide note, dated 30.11.2012 was found in the suitcase. Latter, the respondent police failed to conduct investigation in this regard and the suicide note was not registered as material evidence. The representation of the defacto complainant to the police officials also failed. Hence, he filed a direction petition before this Court and on the orders of this Court, re-investigation was conducted. The petitioners herein, who are sons of the 1st accused, are proposed to be arrayed as accused. Hence, apprehending arrest, the petitioners have approached this Court.

7. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioners 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 learned Magistrate concerned and on further condition that;

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

[b] the petitioners shall report before the respondent police, as and when required, for interrogation



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

09/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.GANESAN Advocate SR.No.21308

ORDER

IN

CRL OP(MD) No.18953 of 2018

Date :09/11/2018

MS/RR/SAR-1/14.11.2018/3P.6C