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CRL OP(MD). No.10909 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10909 of 2019

R.Raja

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.226 of 2019

... Respondent/Complainant

For Petitioner : Mr.A.RL.Sundaresan, Senior Counsel for
M/s.D.Sathyaraj, Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

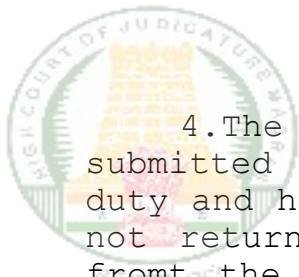
For Anticipatory Bail in Crime No. 226 of 2019 on the file of the Respondent Police.

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 306 IPC, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the deceased, who is son of the defacto complainant was working as Deputy Manager in L & T Finance. The petitioner herein is the Superior Officer and he gave torture Continuously and also criminally intimidated him and in pursuance of the same, the deceased, after leaving suicide note, committed suicide by hanging in his house.



4.The learned senior counsel appearing for the petitioner has submitted that on 11.05.2019, the deceased did not report to the duty and hence reminder was sent to him and even thereafter, he did not return to the duty. On 25.05.2019, the deceased was removed from the service. He further submitted that on 08.06.2019, the deceased committed suicide and the petitioner herein is in no way responsible for the aforesaid suicide and therefore he prayed to grant anticipatory bail to the petitioner.

5.Per contra, the learned Government Advocate(Crl.side) appearing for the respondent police has submitted that since the petitioner gave torture continuously and not able to bear the same, the deceased committed suicide by leaving a suicide note. In the suicide note, he has stated that the petitioner herein continuously gave torture and hence, she opposed this petition.

6.The suicide note is not clear. From the said suicide note, it is very difficult to come to the conclusion that the petitioner herein has abetted the deceased to commit suicide. Further, in the said suicide note, it is not clearly stated that what kind of torture has been given by the petitioner. Admittedly, the petitioner is a Superior Officer to the deceased and during the course of employment, the petitioner in the capacity of the Superior Officer, would have given instructions with regard to work, but the same cannot be taken as torture which driven the deceased to commit suicide.

7.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 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 three weeks and thereafter, as and when required for the 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.

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SATHYARAJ Advocate SR.No.13312

ORDER

IN

CRL OP(MD) No.10909 of 2019

Date :08/08/2019

MS/VR/SAR-2/21.08.2019/3P.6C