



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP (MD) Nos.20157 and 20549 of 2018**

S. AYYAPPAN

... PETITIONER /2<sup>nd</sup> ACCUSED  
IN CRL OP (MD) No. 20157 of 2018

VEERAMUTHUKUMAR

... PETITIONER/ ACCUSED No. 1  
IN CRL OP (MD) No. 20549 of 2018

Vs

THE STATE OF TAMILNADU,  
REP. BY THE INSPECTOR OF POLICE  
TOWN POLICE STATION, RAMESWARAM,  
RAMNAD DISTRICT.  
CRIME NO. 175 OF 2018

... RESPONDENT / COMPLAINANT  
IN BOTH THE PETITIONS

For Petitioner : MR.J.DEVASENAN Advocate  
IN CRL OP (MD) No. 20157 of 2018

MR.M.ARUNSWAMINATHAN, Advocate  
IN CRL OP (MD) No. 20549 of 2018

For Respondent : MR.K.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side) '  
IN BOTH THE PETITIONS

For Intervener : R.JEGADEESWARAN, Advocate  
IN CRL OP (MD) No. 20157 of 2018

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

ORDER : The Court Made the following order :-

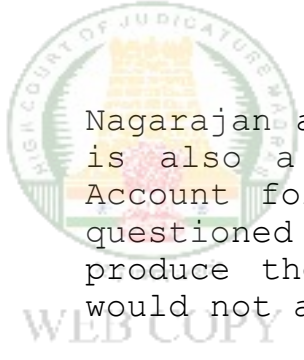
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC., in Crime No.175 of 2018, on the file of the respondent Police, seek anticipatory bail. The petition in Crl.O.P.No.(MD)20549 of 2018 is filed by A1 and the petition in Crl.O.P.(MD)No.20157 of 2018 is filed by A2.



2. The case of the prosecution is that the defacto complainant, who is the wife of the deceased, had given a complaint on 25.10.2018, at about 10.00 a.m., stating that her husband Nagarajan was working as driver in Rameswaram Panchayat and for the past three days, he was not gone to the work for the reason that the Municipal Commissioner had shouted her husband in front of others and her husband came home and cried. Further, he said to have stated that the Municipal Commissioner and Sanitary Inspector had demanded Rs.2,00,000/- per month and he is unable to meet out the demands. On 23.10.2018, the defacto complainant and her husband had approached the Municipal Commissioner and he was not there. Thereafter, on 24.10.2018 again he went and met the Commissioner, who said have asked why he came and asked to submit two months diesel account. On 24.10.2018, the defacto complainant was not allowed to attend the work and to take the vehicle. The defacto complainant's husband was worried about the same on the whole night on 24.10.2018. On 25.10.2018 at 5.30 a.m., the defacto complainant was dropped by her husband in the Rameswaram Temple and at about 7.00 a.m., when she had returned back to her home, she found that her husband had committed suicide by hanging himself. Immediately, brought down him and taken to the Government Hospital, where he was declared brought dead. Further stated that death of her husband was due to petitioners' demand of Rs.2,00,000/- and he had also left a suicide note and the same is disputed.

3. The learned counsel appearing for the petitioners would submit that the deceased was in charge of 14 vehicles of 30 vehicles, belonging to Municipality and he has to property maintain the vehicles, its diesel account, milage and validating of the vehicles. On 20.09.2018, the Sanitary Inspector had conducted an inspection and found that he was not performing his duties properly and explanation was sought from him. Further, the extract of attendance register has produced in which it is seen that the petitioner had regularly attending the office upto 24.10.2018 and the alleged bit notice itself is a fabricated one to cover up the misdeeds of the deceased and to put the petitioner in defensive not to further make any recovery proceedings against the deceased for his misdeeds, the present complaint has been lodged against the petitioners.

4. The learned Government Advocate (crl.side) appearing for the State would submit that on receipt of the complaint from the defacto complainant, a case has been registered and so far 16 witnesses have been examined. The Municipal Commissioner had joined the Rameshwaram Municipality on 07.08.2017 and the Sanitary Inspector joined the Rameshwaram Municipality 23.05.2013. The deceased had been working in the Municipality from the year 1989. There are 14 vehicles in the Municipality and the Diesel Account was signed and approved by the Sanitary Inspector till April 2018 and from May 2018 and the accounts were approved by the Municipal Commissioner. Out of the 14 vehicles, 9 vehicles were in control of the deceased



Nagarajan and 5 vehicles were in control of Thillai Karuppiah, who is also a driver. The deceased Nagaraj handed over the Diesel Account for the month of October, November 2018 and the same was questioned by A1 and further directed the deceased Nagaraj to produce the Diesel Account immediately and their act in any case would not amount to abetment or harassment.

5. The learned counsel appearing for the intervener would submit that defacto complainant's husband was working as driver in the 2<sup>nd</sup> Grade Rameswaram Municipality for the past 30 years. The defacto complainant's husband had been maintaining the Diesel Consumption Records for the past four years. The Municipal Commissioner had joined the duty latter and he involved so many misappropriation committed in work done for Municipality. The accused directed the deceased to commit malpractice and bribes Rs.2,00,000/-, failing which, false allegations would be sent to higher authorities, and he would be suspended, which had caused her husband to commit suicide.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions;

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Rameswaram, on condition that the petitioners shall execute each 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;

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

**[b]** the petitioners shall report before the respondent police daily at 6.00 p.m., for a period of two weeks and thereafter, 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.

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sd/-  
11/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE  
RAMESWARAM, RAMANATHAPURAM DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE  
TOWN POLICE STATION, RAMESWARAM,  
RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

- +1. CC to MR.N.KAMESH Advocate SR.No.868  
+1. CC to R.JEGADEESWARAN, Advocate SR.No.963

ORDER  
IN  
CRL OP(MD)Nos.20157 AND  
20549 of 2018  
Date :11/01/2019

MSI/JC/SAR-II/ 21.01.2019-4P/7C