

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.06.2020
CORAM
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR
CrI.O.P.No.7067 of 2020

Muthuraj @ Raj Annachi @ Katta Muthuraja

.... Petitioner

Vs.

State rep. by
The Inspector of Police,
Railway Police Station,
Arakkonam,
Vellore District.
(Crime No.40/2020)

.....Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in connection with Crime No.40 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.02.2020 for the offence under Section 174 of Cr.P.C., altered into 306 IPC, in Crime No.40 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the deceased with regard to money dispute. The petitioner had threatened the deceased thereafter the deceased committed suicide. Initially the case was registered under Section 174 of Cr.P.C., and later altered into 306 of IPC.

3. The learned counsel for the petitioner submitted that the deceased was working as a driver to the petitioner and left his job one year before. The learned counsel for the petitioner further submitted that due to some disputes and quarrel between the deceased and his family members, the deceased committed suicide. Eventhough there had been quarrel between the petitioner and the deceased before three months, there is no direct involvement of the petitioner with the alleged suicide. Therefore, the petitioner has been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that the petitioner involved in red sand activities. The deceased was working as driver under the petitioner and during the course of his employment two cases pertaining to red sanders were registered against deceased in Andra Pradesh. The petitioner involvement in these cases are at behest of his employer. Hence, the deceased asked the petitioner for his salary and court expenses incurred by him, Since the petitioner has not paid the salary and the court expenses properly to the deceased, he committed suicide. The learned Additional Public Prosecutor further submitted that the petitioner not only terminated the service of the deceased and he was not supportive in any manner and did not pay the salary properly. The deceased having no other option, finally committed suicide. Initially the case was registered under Section 174 Cr.P.C., and after investigation, altered into 306 IPC, after finding the involvement of the petitioner.

5. This Court by an order dated 26.03.2020 released the petitioner on interim bail till 27.04.2020 by executing the own bond of Rs.10,000/- before the Superintendent of Central Prison concerned and directed the Registry post the matter before this Court for further orders on 20.04.2020. Hence, the matter came to be listed today before this Court. In view of the fact that the petitioner was already granted interim bail, this Court is inclined to grant bail to the petitioner and confirms the interim bail granted to the petitioner, subject to the following conditions:

a) It is seen that the petitioner had already executed own bond for Rs.10,000/- before the Superintendent of Central Prison and came out on bail as per earlier order of this Court dated 26.03.2020. Therefore, the petitioner is exempted from executing new bond for granting bail.

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate after lifting of lockdown and commencement of Court below, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[h] 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 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered underSection229AIPC.

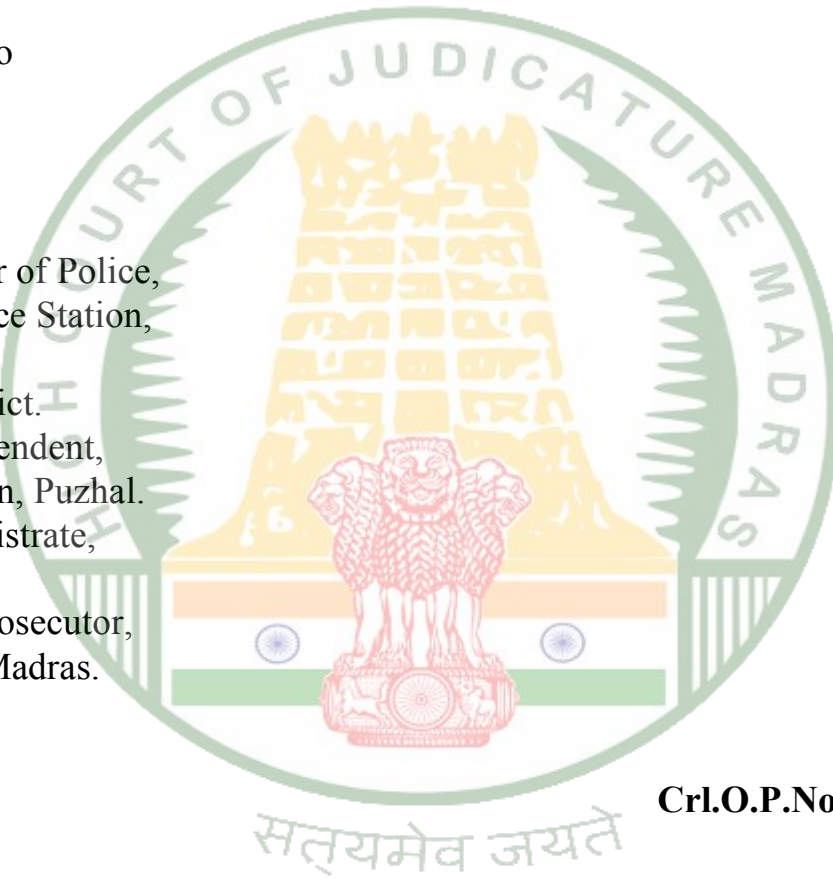
10.06.2020

Internet: Yes/No

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To

1. The Inspector of Police,
Railway Police Station,
Arakkonam,
Vellore District.
2. The Superintendent,
Central Prison, Puzhal.
3. Judicial Magistrate,
Thiruttani.
- 4.The Public Prosecutor,
High Court, Madras.



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