

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.9117 of 2020

1.MALAR, F/aged about 35 years,
W/o.Karuppaiya

2.RAJATHI @ RASATHI, F/aged about 45 years,
W/o.Ramasamy,
Both are residing at,
Mariyamman Koil Street,
Kizhakku Rajapalayam,
Gengavalli Taluk,
Salem District.

...Petitioners/Accused No.3 and 4

-Vs-

State Rep. by Inspector of Police,
Veeraganur Police Station,
Salem District.

...Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in Crime No.26 of 2020 pending investigation on the file of the respondent/police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor.

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C., subsequently altered to Section 294(b), 323, 306 I.P.C., in Crime No.26 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the complaint lodged by one Village Administrative Officer, the present case was registered in Crime No.26 of 2020 for the offences punishable under Sections 174 Cr.P.C., and subsequently the sections were altered to Section 294(b), 323, 306 I.P.C. Four years prior to the occurrence of the incidence, the 1st accused was in relationship with the deceased and also received money from the victim and entrusted to the 1st petitioner for construction of her house. Thereafter, the deceased and her husband went to Tiruppur on

their vacation and were settled there. On 06.03.2020, the deceased came to the house of the accused 3 and 4 and demanded to return the money which was borrowed by the 1st accused for which there was a wordy altercation arose between them and the petitioners herein i.e., A3 and A4 and abused the deceased in a filthy language and also beaten her with hands and threatened her with dire consequences. As a result, she returned to her house and committed suicide by herself. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and they are in no way connected to this crime. He further submitted that as far as the petitioners are concerned, they did not received any amount from the 1st accused or from the deceased. Hence, he seek for grant of anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that totally there are four accused in which, the petitioners are arrayed as A3 and A4. All the accused are relatives and

they borrowed money from the victim and thereafter they failed to repay the same, as a result of which there was a money dispute between them. The accused persons abused the victim and also assaulted her. Due to which, on 06.03.2020 she returned to her house and committed suicide by hanging herself. The accused 1 and 2 were arrested and released on bail vide Crl.O.P.No.7665 of 2020 dated 19.05.2020. Insofar as the petitioners are concerned they are the friends of the 1st and 2nd accused. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Attur, on condition that each of

the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four 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.

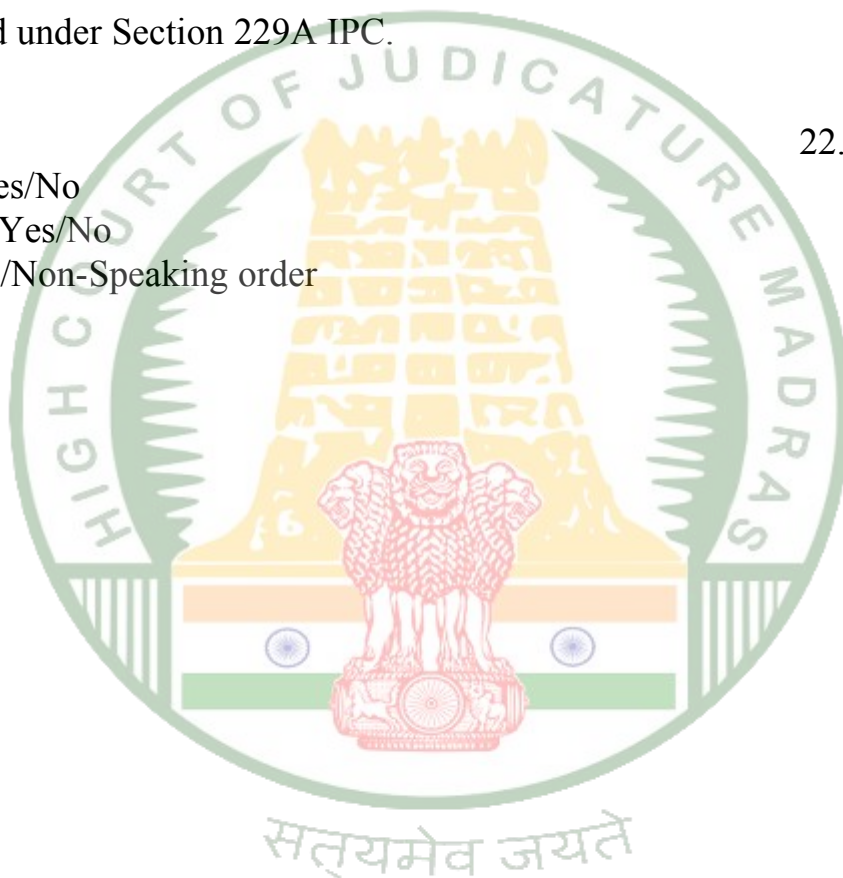
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed

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/s, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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G.K.ILANTHIRAIYAN. J.

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To,

1.The Inspector of Police,
Veeraganur Police Station,
Salem District.

2. The Public Prosecutor,
Madras High Court,
Chennai.



Crl.O.P.No.9117 of 2020

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