

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10258 of 2020

1. Kannadasan
2. Vasantharajan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.
(Crime. No.933 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the **petitioners** on bail in the event of their
arrest in Crime No.933 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Devakumar

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

O R D E R

(the case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 306 of
IPC, in Crime No.933 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 23.05.2020 at about
09.30 pm, the petitioners along with other accused persons had abused
the de-facto complainant's husband, as a result of which, the de-
facto complainant out of frustration had committed suicide by
consuming poison. Hence, the complaint.

3. The learned counsel appearing for the petitioners would
submit that the petitioners are innocent persons and they have been
falsely implicated in this case. He would further submit that during
a domestic quarrel the de-facto complainant had scolded the deceased,
due to which he had committed suicide by consuming poison. He would
further submit that there is no specific overt act attributed against
these petitioners as if they abetted the victim to commit suicide.
Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on 23.05.2020 at about 09.30 pm, the petitioners along with other accused persons had abused the de-facto complainant's husband, as a result of which, the de-facto complainant had committed suicide by consuming. He would further submit that the accused persons arrested, on the same day, they were enlarged on bail and the investigation is over.

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, Madurandhagam, 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 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 petitioner/s 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.

-sd/-
08/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANDHAGAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT

CC to M/S. B.DEVAKUMAR Advocate on payment of necessary charges

CRL OP.10258/2020

Date : 08/07/2020

cs 23/07/2020

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