

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11238 of 2020

Selvam

... Petitioner

Vs.

The State Rep by its
The Inspector of Police
Dharmapuri Railway Police Station,
Dharmapuri District.
(Crime No.11/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner in the event of of his arrest in Crime No. 11 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M. Srinivasan

For Respondent : Mr.K. Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C. subsequently altered with 306 of I.P.C in Crime No. 11 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 17.06.2020 at 08.05 hrs, when the Railway Police Sub-Inspector(RPSI) was on duty, he received a written death message from Station Master, Dharmapuri Railway Station that a male dead body aged around 45 years is lying near the track at K.M.68/000-100 between Dharmapuri to Palacode. Based on that a case in Crime No.11 of 2020 was registered under Section 174 Cr.P.C. During the investigation, it was found that one Mathiyan, who was working as a Driver under the petitioner had committed suicide and thereafter a case was altered to Section 306 of I.P.C.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the deceased Mathiyan joined as a Driver in the Transport company run by the petitioner. On a trip, he had taken the vehicle along with the goods and thereafter he informed the petitioner that the lorry and the goods were missing. Later, it was found that the deceased Mathiyan has sold it to somebody and he had acted as nothing is known. When it was found and questioned by the defacto complainant, he had committed a suicide and at the time of the death there was no pressure by the petitioner. After a few days, the relatives of the deceased had brought a purported suicide letter as written by the deceased wherein, he has stated that one Ramesh was responsible for the suicide. He would submit that the petitioner purchased the lorry very recently and he had handed over to the deceased and he had taken the lorry somewhere and sold it to the third party.

4. The learned counsel for the petitioner would further submitted that the petitioner not alone is put to suffering due to the loss of the lorry along with goods, now a false allegation is made against the him.

5. The learned Additional Public Prosecutor would submitted that the deceased Mathiyan was working as a Lorry Driver under the petitioner and he had gone on a trip with goods and later had reported that the lorry along with goods was taken by somebody. When the petitioner and one Ramesh had questioned him, the victim has committed a suicide by falling before a running train.

6. Heard the learned counsel on both sides and perused the materials available on record.

7. Considering the above fact and circumstances of the case, 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 on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate -I, Dharmapuri, 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 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

9. With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/08/2020

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, सत्यमेव जयते
NO.I, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DHARMAPURI RAILWAY POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.11238/2020

Date :21/08/2020