

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

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

Cr1.O.P.No.13254 of 2020

1.Sathish Kumar
2.Gopi @ Gopiraj

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Padalam Police Station,
Kanchipuram District.
(Crime No.1076 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest in Crime No.1076 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.L.Ramu

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 alleged offences punishable under Section 306 of IPC, in Crime No.1076 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Suguna, mother of the victim is that on 09.08.2020, there was a quarrel between the petitioners and her son in a funeral. During which time, the petitioners have assaulted the victim with hands. Since no one had questioned, the victim was antagonised and he did not eat for two days and that on 11.08.2020, he had committed suicide by hanging.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the complaint of the defacto complainant is only a hearsay and she had not seen the occurrence and that the incidents has happened on 09.08.2020 and the victim is stated to have committed suicide on 11.08.2020 after two days. There is no averments, as if the petitioners abetted the victim to commit suicide.

4.The learned Additional Public Prosecutor would submit that on 09.08.2020, the petitioners had assaulted the victim in a funeral procession and nobody around questioned the petitioners. Due to which, the victim was aganised and he did not eat for two days and he had committed suicide on 11.08.2020. He would further submit that the investigation is still pending.

5.Heard the submissions made by the learned counsels and perused the FIR and this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Chengalpet, 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 every day at 10.30 a.m., until further orders.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

31/08/2020

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,
NO.I, CHENGALPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
PADALAM POLICE STATION,
KANCHIPURAM DISTRICT.

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

CRL OP.13254/2020

Date :31/08/2020

RVR 22/09/2020

सत्यमेव जयते

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