

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15629 of 2020

1. Logan Annasamy
2. Srinivasan
3. Ethiraj

... Petitioners

Vs.

The State represented by
The Inspector of police,
Vishnu Kanchi Police Station,
Kanchipuram, Kanchipuram District.
Crime No.549 of 2018 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.549 of 2018 on the file of the respondent police.

For Petitioner : Mr.G.M.Sankar

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 306 of IPC and later on it was altered to 306 @ 304 of I.P.C in Crime No.549 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that her husband/Raghunathan and the defacto complainant was residing in the temple property for more than 15 years. On 27.09.2018 the petitioners along with the other accused persons came to the house of the defacto complainant and threatened them to vacate the premises and it was refused by the deceased. Due to which the husband of the defacto complainant committed suicide by consuming poison. Hence the complaint.

3. The learned Counsel for the petitioners would submit that A1 to A3 are the trustees of the temple and the defacto complainant is a tenant and he has not paid the rent regularly, hence, the petitioners have asked him to pay the rent. Due to which a false complaint has been lodged against the petitioners. He would further submit that the case can neither be registered under Section 304 of IPC nor under Section 306 of IPC against the petitioners, since the complaint discloses none of the offences alleged. He would further submit that for co-accused was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons came to the house of the defacto complainant and pressurised the family members of the defacto complainant to vacate the premises and also harassed the husband of the defacto complainant over phone. Due to which the deceased got depressed and committed suicide by consuming poison. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of his arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready before the learned Judicial Magistrate I at Kanchipuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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., for a period of two weeks and thereafter every monday at 10.30 a,m until further orders.

[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 is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate 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.

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

-sd/-

08/10/2020

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,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

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

CRL OP.15629/2020

Date :08/10/2020

MK:20/10/2020