

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16015 of 2020

1.T.Venkatesh Babu @ Babu ... Petitioners/Accused Nos. 2 & 3
2.S.Rajan

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
F-1 Chintadripet Police Station,
Chennai.
(Crime No. 693 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to
enlarge the petitioners on bail in the event of their arrest by the
respondent police in Crime No. 693 of 2020, on the file of the
respondent police.

For Petitioners : Mr.V.Karthick, Senior Counsel
for Mr.S.Panneer Selvan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the offence punishable under **Section 174
Cr.P.C., and subsequently altered to Section 306 IPC, in Crime
No.693 of 2020,** on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution as per the defacto
complainant one Shankari is that her husband Prabhakaran was working
as an Assistant Manager in Computer Age Management Services Limited
(CAMS), a software company. During the COVID-19 period, he was
working two days a week i.e. Tuesday and Thursday, during which, the
petitioners and their colleague Senthil Babu, informed him that the
company is going to remove him from the job, due to which, her
husband was found in a stressed mood. While so, on 08.09.2020, when
her husband had gone to the office, at about 21.20 hours, she
received an information that her husband had committed suicide by
jumping from the 8th floor of the office and suspecting some foul

play in the death of her husband, she has lodged a complaint.

3. The learned Senior counsel appearing for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners and the deceased are employees of a private concern named Computer Age Management Services Limited (CAMS). The petitioners are the Senior Manager and General Manager of the said company and the deceased was working as an Assistant Manager. He would further submit that admittedly, during the COVID-19 period, the Management had taken action against ineffective employees and thereby as a Senior Officers, the petitioners and other colleague have conveyed the deceased about the decision taken by the Management and other than that, they have not committed any offence. He would submit that conveying a decision taken by the management cannot be taken as abetting suicide. He would further submit that the management has also co-operated with the respondent by providing the CCTV footages. Further the visuals in the CCTV footage would show that the deceased who was sitting in his table, had gone near the window and jumped through the window and that absolutely no case of abetment of suicide can be made out against the petitioners.

3.1 The learned Senior Counsel appearing for petitioners would further submit that as stated earlier, without prejudice to the contention, the Management has paid an amount of Rs.10 lakhs towards exgratia and a sum of Rs.84,674/- towards arrears of salary and other dues by way of demand draft. He would further submit that the defacto complainant has received the demand drafts and she has also encashed those demand drafts. He would further submit that the Management is also taking steps to settle other statutory dues and the terminal benefits to the family of the deceased. He would further reiterate that the petitioners are the Superior Officers and in any event, directing the employee to go to another division to work, cannot be taken as an offence of abetment of suicide. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the husband of the defacto complainant was working as an Assistant Manager in CAMS, a software company and the petitioners who are the Superior Officers / Senior Manager and General Manager respectively, had harassed him, due to which, the victim committed suicide by jumping from the 8th floor of the office. He would further submit that prior to the commission of suicide, the victim had sent a recorded video message, wherein, he had stated that the petitioners are the reason for his suicide.

5. Taking into consideration the facts and submissions of the learned Senior Counsel that a substantial amount has been paid to the family of the deceased towards exgratia and arrears of salary and that steps are being taken by the petitioners' company to settle the statutory dues and the terminal benefits to the family of the deceased, this Court inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed 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 is made ready, before the **learned XIV Metropolitan Magistrate, Egmore, Chennai**, on condition that 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

19/11/2020

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 METROPOLITAN MAGISTRATE NO.XIV,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

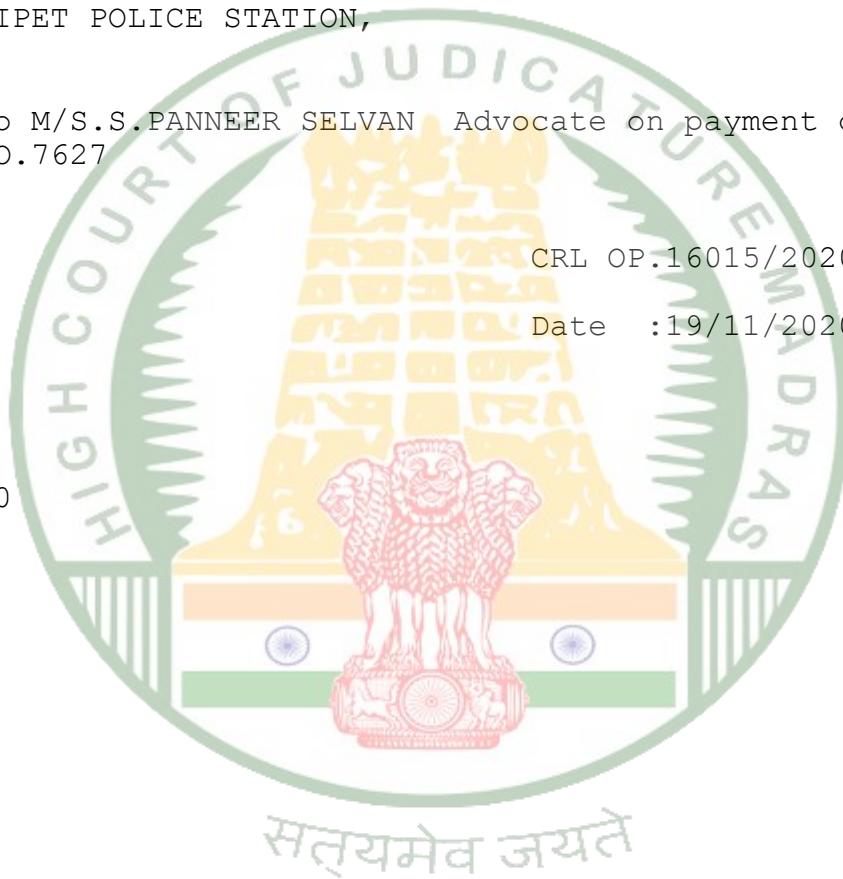
4 THE INSPECTOR OF POLICE,
F-1 CHINTADRI PET POLICE STATION,
CHENNAI.

+1 CC to M/S.S.PANNEER SELVAN Advocate on payment of necessary
charges SR NO.7627

CRL OP.16015/2020

Date :19/11/2020

MN-23/11/2020



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