

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16256 of 2020

Naveen

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Acharapakkam Police Station
Chengalpet District,
(Crime No.933 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in the event
of arrest of the petitioner by the respondent police in Crime.
No.933 of 2020 on the file of the Inspector of police, Acharapakkam
Police Station, Chengalpet District.

For Petitioner : Mr.B.Devakumar

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

O R D E R

(This Case has been heard through Video Conferencing)

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

2. The case of the prosecution is that on 23.05.2020 at about
09.30 pm, the petitioner 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 for the petitioner would submit that the
petitioner is an innocent person and he has 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 the petitioner
as if he abetted the victim to commit suicide. He would further
submit that the co-accused were granted anticipatory bail by this
Court in CrI.O.P.No.10258 of 2020 dated 08.07.2020. Hence, he prays
for grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 23.05.2020 at about 09.30 pm, the petitioner along with other accused person had abused the de-facto complainant's husband, as a result of which, the de-facto complainant's husband committed suicide by consuming poison. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned counsels and also the fact that the co-accused have been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready before the learned Judicial Magistrate, Madhuranthagam, 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:

[b] 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 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.

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

[e] the petitioner 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.

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

-sd/-

13/10/2020

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,
MADHURANTHAGAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ACHARAPAKKAM POLICE STATION,
CHENGALPET DISTRICT.

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

CRL OP.16256/2020

Date :13/10/2020

RVR 02/11/2020

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