

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

C O R A M

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

Cr1.O.P.No.17627 of 2020

Vijay Venkatesh

... Petitioner

Vs

The State Rep by
The Inspector of Police,
E-2 Royapettah Police Station,
Chennai District.
Crime No.1564 of 2020

... Respondent

Prayer: This petition has been filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.1564 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Kathiravan

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

ORDER

This case has been heard through video conference

The petitioner who apprehends arrest for the alleged offences under Section 306 of IPC., initially the respondent had registered a FIR under Section 174 of Cr.P.C., thereafter altered the offence under Section 306 of IPC, on the file of the respondent in Crime No.1564 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the deceased Ram Raj was his colleague and that on 11.09.2020 after 10.00 P.M., while they were discussing, the said Ram Raj had informed him that he was having several debts and that he was under mental agony. While so, he had stated that he had received an amount of Rs.9,500/- from his employer and that he is going to settle the persons from whom he had received loans and that he went to bed. On the next morning, he did not wake up and the defacto complainant had peeped through the window and found that the deceased had committed suicide by hanging and then he had informed to the Management.

3. The learned counsel for the petitioner would submit that the petitioner is the General Manager of the Maris Hotel, Chennai, and the victim was working under him. During Covid, the entire Hotel was closed. However, the Management had given an amount of Rs.9,500/- to him whereas the victim had borrowed money from several persons and due to that he had committed suicide. During the course of investigation, the respondent is alleged to have recovered a suicide note, wherein the deceased had stated that the reason for not having the job is due to the petitioner and based on that the petitioner has been implicated in this case. The learned counsel would submit that the petitioner has not denied any employment to the victim and he was working in the Hotel run by the Management of the petitioner and that there is absolutely no allegation that the petitioner abetted the suicide of the victim. He would further submit that the victim was on rolls and that is the reason on the previous day the management had paid advance of Rs.9,500/- to the victim which he had repaid to the persons who had given loan to him. Admittedly even as per the informant who had lastly seen the victim on the previous day, he had stated that the victim was stressed and depressed on account of debts. He would further submit that without prejudice to the defence, the Management has also paid an amount of Rs.2,00,000/- as exgratia to the family of the deceased by way of demand draft.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the General Manager of Maris Hotel, where the victim was employed. During Covid, the hotel was closed and the victim was denied employment and thereby he had committed suicide by hanging. However, he would submit that the defacto complainant, who had last seen the deceased has stated that on the previous day the victim was under stress for having taken loans from several persons.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner has never denied employment and on 11.09.2020 the Management had given an advance of Rs.9,500/- to the victim and there is no question of denial of work to the victim.

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

7. Taking into consideration the facts and submissions of the learned Counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of their 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 XVIII Metropolitan Magistrate, Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30A.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

21/12/2020

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.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
CHENNAI DISTRICT.

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

CRL OP.17627/2020

Date :21/12/2020

MK:07/01/2021



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