

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1164 of 2021

1.Magesh

... Petitioners

2.Swaminathan

-Vs-

State Represented by its
Inspector of Police,
Pagasalai Police Station,
Nagapattinam District.
(Crime No.339 of 22020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.339 of 2020 is pending on the file of the respondent police.

For Petitioners : Mr.S.Shankar

For K.M.Vijayan Associates

For Respondent : Mr.S.Karthikeyan

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 alleged offences under Section 306 of IPC, in Crime No.339 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the deceased was working as a Post Master and the first petitioner is a Head Post Master and the second petitioner is the Postal Inspector, at Pagasalai Village. Further, the post office for functioning in the house of the deceased. The allegations is that the petitioners are taking steps to shift the post office to another place and also threatened the deceased to remove from service. Hence, the deceased had committed suicide by hanging. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioners He would further submit that there is no specific overt act attributed against the petitioners and they have not abetted, the deceased to commit suicide Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners are taking steps to shift the post office to another place and also threatened the deceased that they will remove him from service. Hence, the deceased had committed suicide by hanging. He would further submit that there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case and that there is no specific allegation of abettment attributed against the petitioners, they only said to have taking steps to shift the post office from the accused and there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered 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 made ready, before the learned Judicial Magistrate No.II, Mayiladuthurai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 as and when required for interrogation.

[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/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
23/02/2021

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.II, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PAGASALAI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.K.M.VIJAYAN ASSOCIATES Advocate on payment of
necessary charges

CRL OP.1164/2021

Date :23/02/2021

TA-10/03/2021

WEB COPY