

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2447 of 2021

Rajkumar

... Petitioner

-Vs-

State rep by its

.... Respondent

Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.762 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.762 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 174 of Cr.P.C (Poisoning) @ Sec.306 of IPC, in Crime No.762 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the deceased was working in the shop of A1, he had stolen a sum of Rs.8,00,000/-. Further, A1 had demanded money from the deceased. Thereafter, the petitioner along with A1 had harassed the deceased and demanded money, Hence, he had committed suicide. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that A1 has already been arrested and thereafter he was released on bail by the learned Judicial Magistrate, Namakkal in Crl.M.P.No.686 of 2020 dated 27.06.2020. He would further submit that there is no previous case pending as against the petitioner and only

allegation is against A1. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased was working in the shop of A1, he had stolen a sum of Rs.8,00,000/-. Thereafter, the petitioner along with A1 had harassed the deceased and demanded money. Hence, he had committed suicide. He would further submit that co-accused had already been arrested and thereafter he was released on bail by the Lower Court. He would further submit that there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case and that there is no specific overt act attributed against the petitioner and co-accused released on bail and there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Namakkal, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police as and when required for interrogation.

[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 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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.2156

CRL OP.2447/2021

सत्यमेव जयते Date: 23/02/2021

TA-03/03/2021

WEB COPY