

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3399 of 2021

1 S.KARVENDHAN
2 ANANTHI
3 SUBRAMANI

[PETITIONERS / ACCUSED]

vs

STATE REP BY
THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT
(CR.NO.56/2021)

[RESPONDENT]

For Petitioner : M/S D.SELVARAJU Advocate for
M/S.P.KALIMUTHU Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

For Intervenor : M/S P.KANNAN KUMAR Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 174 CrI.P.C altered to 306 of I.P.C, in Crime No.56 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are A1 to A3 in this case. The case of the prosecution is that the deceased is the father of the 3rd petitioner, who is aged about 94 years and the first and second petitioners are son and wife of the 3rd petitioner respectively. The deceased and the petitioners are living together and the 3rd petitioner/son of the deceased said to have compelled the deceased to transfer the property to his name, due to which the deceased had committed suicide by hanging in the petitioner's house. The complaint was earlier registered in Crime No.56 of 2021 under section 174 of Cr.P.C., and later, the section was altered to 306 IPC. In the alteration report, it was stated that the petitioners have compelled the deceased to transfer the property in their favour, as the deceased

refused for the same, they wrongfully detained him in a room and not allowed anybody to see him. Hence out of frustration he has committed suicide.

3. The learned counsel for the petitioners would submit that the deceased is 94 years and he has been living with the petitioners family and only these petitioners are taking care of the deceased and giving treatment for his old age ailments. He would further submit that due to pain and sufferings the deceased had committed suicide and there is no occasion for the petitioners to detain him wrongfully in a room and asking to settle the properties in their favour. He would also submit that the intervenor is the daughter of the deceased and there was previous enmity between the intervenor and the petitioners in respect of finance business. Hence on the basis of the false information given by the intervenor, the section has been altered to 306 of IPC and the petitioners have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the intervenor submitted that in order to get the property transferred in their favour, the petitioners harassed the deceased, due to which, he committed suicide. That apart, the petitioners have not allowed any body to see the deceased before his death. Only because of the harassment meted out by the petitioners, the deceased had committed suicide. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners and the deceased were living as a joint family and there is a property dispute in the deceased family. Due to which the 3rd petitioner insisted the deceased to settle the property in his favour and as the deceased refused for the same, he harassed him. Unable to bear the harassment, the deceased had committed suiciding by hanging. Thus, he opposed for granting anticipatory bail.

6. I have considered the rival submissions and perused the materials available on record.

7. Admittedly, the deceased has been residing in the house of the petitioner and there is also a property dispute between the 3rd petitioner and the intervenor. It is the admitted case that the deceased is 94 years and he was residing with the petitioners family and he was also having several old age ailments and the petitioners are giving treatment for him. Further there is no material available to show that the petitioners have harassed the deceased to transfer the property in their favour, due to which, the deceased had committed suicide.

8. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

9 .Accordingly, the petitioners are 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 Judicial Magistrate, Dharapuram on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 LeftThumb 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.

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions, this Criminal Original petition is ordered.

-sd/-

17/03/2021

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT

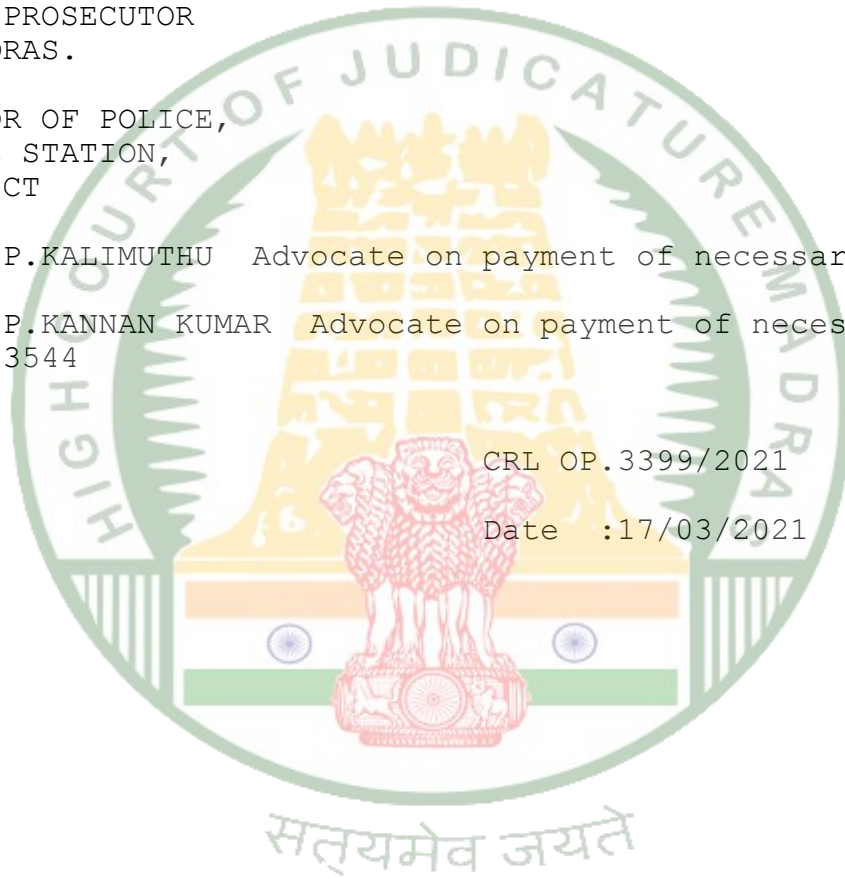
CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges

CC to M/S.P.KANNAN KUMAR Advocate on payment of necessary
charges SR.NO. 3544

CRL OP.3399/2021

Date :17/03/2021

rvr 30/03/2021



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