

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5253 of 2021

1 M.DHANARAJ
2 K.MANIGANDAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
AVALUPETTAI POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.68 OF 2021.

For Petitioner : M/S.V.R.APPASWAMEE Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 306 IPC, in Crime No. 68 of 2021, on the file of the respondent police, the petitioners seek anticipatory bail.

2. Totally, there are 5 accused and the petitioners are arrayed as A4 and A5. The case of the prosecution is that the deceased and A1 are friends. On 18.02.2021, the deceased travelled in the car belongs to A1, and thereafter, it was found that some of the gold jewels, kept in the dash board by A1, were missing. Suspecting that, the deceased might have stolen the jewells, A1 and other accused, questioned the deceased. Thereafter, on 19.02.2021, all the accused compelled the deceased to accept the theft and they have forcibly taken a sum of Rs.12,500/- , mobile phone and the medical certificate from the defacto complainant and also abused him in filthy language and told him to go and die. Thereafter, the deceased committed suicide by consuming poison. Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case due to previous enmity. He would further submit that co-accused in this case were already released on bail. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the deceased left the suicide note, wherein, he squarely blamed all the accused on the ground that all of them branded the deceased as thief and also taken money, mobile phone and medical records and abused him and they caused mental agony to the deceased and thereby, abetted him to commit suicide. She would further submit that investigation is still pending.

5. I have considered the rival submissions and perused the materials available on records, including the statement of the witnesses and confession statements of the accused persons.

6. From the perusal of the records, it could be seen that both A1 and the deceased in a drunken mood travelled in the car, where, A1 kept some jewels in the dash board, which was subsequently, found missing. Hence, all the accused, who are friends of A1, question the deceased regarding the missing of jewels and there was wordy quarrel. It is also stated that all the accused had taken money, mobile phone and some records from the de-facto complainant and thereafter, he committed suicide.

6. Considering the facts and circumstances of this case, the fact that co-accused in this case were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

(a) the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen(15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Gingee, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) the petitioners shall report before the respondent police daily at 10:30 a.m until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
23/03/2021

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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

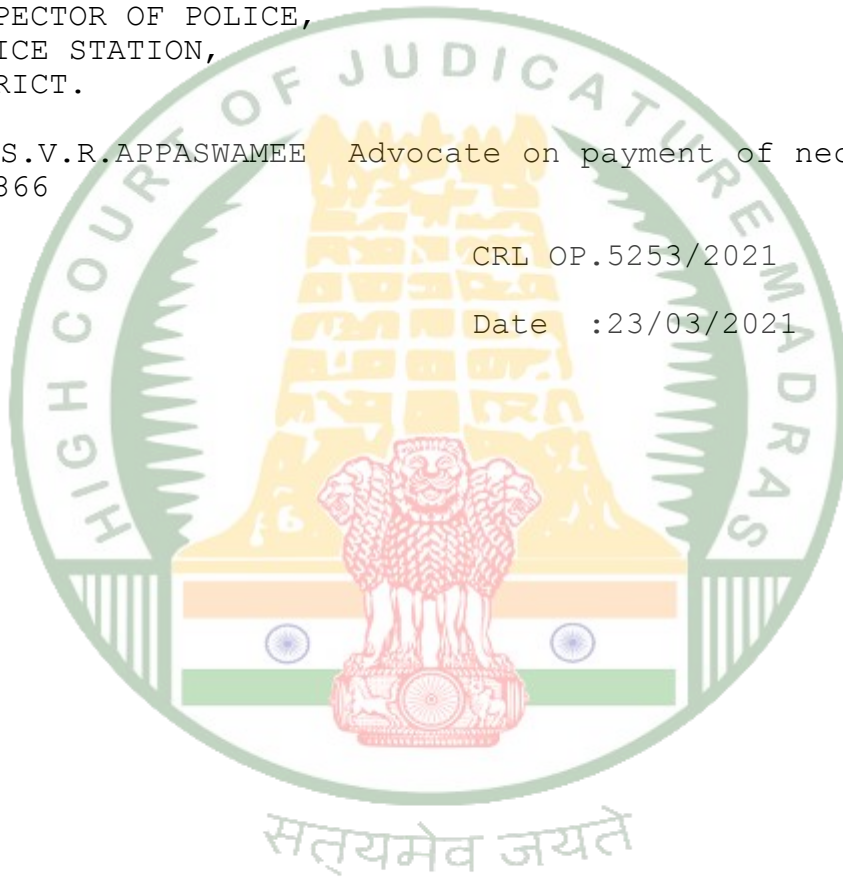
4 THE SUB INSPECTOR OF POLICE,
AVALUPETTAI POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR NO.3866

CRL OP.5253/2021

Date :23/03/2021

MK:01/04/2021



WEB COPY