

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7264 of 2021

B.GUBENDRAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
KODUNGAIYUR, CHENNAI-600 118
CRIME NO.199 OF 2021

For Petitioner : M/S.B.GANESHA MOORTHY Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 306 IPC, in Crime No.199 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused created encumbrance in the property of the deceased and also obtained loan from the bank and thereafter, failed to repay the same. Due to the said act of the accused persons, the deceased committed suicide leaving a death note. Initially, the case was registered under Section 174 of Cr.P.C and subsequently altered to Section 306 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a practising advocate and he did not commit any offence as alleged by the prosecution. He would further submit that the similarly placed co-accused/A3 was arrested and later, enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also taking note of the fact the similarly placed co-accused was enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned X Metropolitan Magistrate, Egmore, Chennai, 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 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 Court concerned 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 daily at 10.30 a.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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/04/2021

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 METROPOLITAN MAGISTRATE COURT NO.X,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

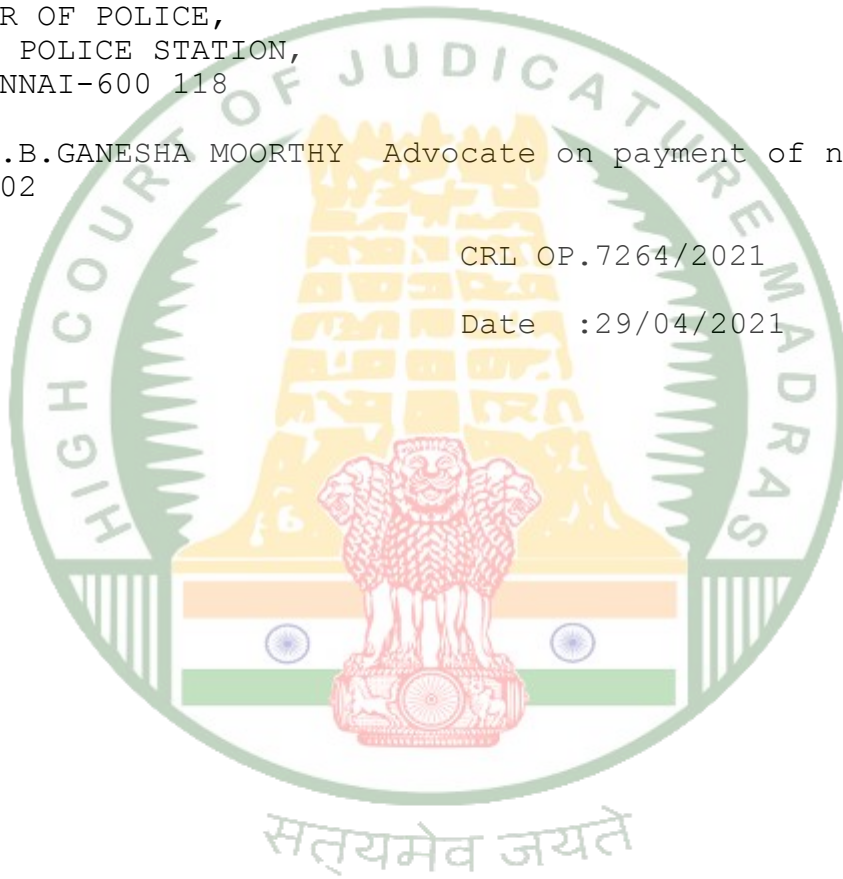
4 THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
KODUNGAIYUR, CHENNAI-600 118

+1CC to M/S.B.GANESHA MOORTHY Advocate on payment of necessary
charges SR.NO.5602

CRL OP.7264/2021

Date :29/04/2021

MK:21/05/2021



WEB COPY