

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10250 of 2021

1.Murugesan (A1)

2.I.A.M.Justin (A2)

... Petitioners

Vs.

The Station House Officer,
Chengam Police Station,
Chengam, Tiruvannamalai District.
Crime No.374/2021

.... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners/accused on bail in the event of their arrest by the respondent police in Crime No.374 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Prabhakaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under section 306 of IPC in crime No.374 of 2021 and seek anticipatory bail.

2. The case of the prosecution is that the deceased by name Muralidharan was employed as Transport Manager in M/s.Jeppiar Milk Products Private Limited where the petitioners 1 and 2 are employed as Factory Manager and General Manager respectively and the defacto complainant is the wife of the deceased Muralidharan. According to the prosecution, only due to the threat issued by the petitioners, Mr.Muralidharan committed suicide on 02.06.2021.

3. It is the case of the petitioners that they are totally innocent and they have been falsely implicated.

4. Learned counsel for the petitioners drew the attention of this Court to the typed set of papers filed along with this petition and in particular, drew the attention of this court to the Attendance register of M/s.Jeppiar Milk Products Private Limited where the deceased was employed and would submit that ever since 10.05.2021, the deceased Muralidharan has been absenting himself from work. He would submit that the deceased Muralidharan was also involved in the theft of Diesel and the date of occurrence of the suicide by the deceased Muralidharan is on 02.06.2021 i.e., almost more than 20 days from the date of his continuous absence. Hence, according to him, the petitioners are no way involved in the commission of offence.

5. This Court after giving due consideration to the aforementioned factors including the fact that the petitioners are the Senior employees of M/s.Jeppiar Milk Products Private Limited where the deceased was earlier working and in view of the long gap between the date of absence of the deceased Muralidharan for work in M/s.Jeppiar Milk Products Private Limited and the date of commission of suicide and also in view of the fact that the petitioners are not having any criminal antecedents, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfillment of 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 of lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned Judicial Magistrate, Chengam on condition that each of the petitioners shall execute separate bonds 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their 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.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

7. With the aforesaid directions, this Criminal Original Petition stands ordered.

-sd/-

11/06/2021

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER
CHENGAM POLICE STATION,
CHENGAM,
TIRUVANNAMALAI DISTRICT.

CC to M/S.G.PRABHAKARAN Advocate on payment of necessary charges

CRL OP.10250/2021

Date :11/06/2021

cs 09/07/2021