



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16486 of 2021

D.THIAGARAJAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM CITY.
CRIME NO.288 OF 2021.

For Petitioner : M/S. G.SANKARAN Advocate

For Respondent : MR.A.GOPINATH, 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 for the alleged offence under Sections 302 and 309 of IPC in Cr.No.288 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner and defacto complainant are father and daughter. Due to the loss in business and the poor health condition of one of his daughter, who is mentally retarded, the petitioner was in mental depression. Thus, the petitioner gave Aluminium Phosphate tablets to his daughter/deceased and he also took the said tablets. Thereafter, both were admitted in the hospital and the said deceased daughter died during the course of treatment, whereas the petitioner survived. Hence, the defacto complainant/the other daughter of the petitioner lodged the case against the petitioner. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has grown up the deceased daughter



with utmost care and affection. He further submitted that the petitioner is still undergoing treatment in the hospital. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl side) submits that the petitioner is the father of the deceased and due to depression caused because of the mental health of his daughter and loss in business, he gave the Aluminium Phosphate tablets to his daughter and he also took the said tablets. However, the offence is grave in nature and investigation is in the initial stage, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner is still undergoing treatment in the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 receipt of a copy of this order, before the learned Judicial Magistrate IV, Salem, 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. For a period of two weeks and thereafter, 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]; and;



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

WEB COPY

-sd/-
09/09/2021

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.SANKARAN Advocate on payment of necessary charges SR.NO. 9885

CRL OP.16486/2021

Date :09/09/2021

JPA 15/09/2021