



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.18436 of 2020

Rathinavel

... Petitioner

Vs.

1. The State rep. by ... Respondents
The Inspector of Police,
Indur Police Station,
Dharmapuri District.
(Crime No.1108 of 2020)

2. The Inspector of Police,
All Women Police Station,
Pennagaram.
(R2 IS IMPEADED AS PER ORDER IN CRL.M.P.NO.
6211/2020 IN CRL.O.P.NO.13165/2020 DATED 13.10.2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1108 of 2020 pending on the file of the 1st respondent.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as 1st accused. He apprehends arrest at the hands of 1st respondent police for the alleged offence punishable under Section 306 of I.P.C. in connection with Crime No.1108 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that earlier, the deceased had sold an extent of 44 cents to one K.G. Chellamuthu and from whom, the petitioner had purchased the land. Subsequently, the petitioner had also purchased the remaining extent from the deceased for the valuable consideration. After selling the property, the



deceased feeling that he has left with no other land, being frustrated, and said to have committed suicide by hanging. Hence, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for petitioner would submit that the petitioner has only purchased the property for a valuable consideration and after selling the property, the deceased feeling that he has left with no other land, being frustrated, has committed suicide by hanging. Hence, the petitioner is an innocent purchaser and he is no way connected with the alleged offence made out in the complaint. He has also stated that the other arrested co-accused were released on bail. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased has sold the land for a valuable consideration, and thereafter, for feeling ashamed that he has left with no other land, and being frustrated, he has committed suicide. However, he opposed to grant anticipatory bail.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that it is a civil dispute, the petitioner said to have purchased the property for a valuable consideration, there is no allegation of abetment against the petitioner, and that apart, all the other arrested co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 Judicial Magistrate No.II, Dharmapuri** on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the 1st respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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]**;

[g] 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/-
11/01/2021

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.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PENNAGARAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.SIVAJI Advocate on payment of necessary charges
SR.NO.386

CRL OP.18436/2020

Date :11/01/2021

TA-22/01/2021