



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.20224 of 2021

1 VELLAISAMY
2 RAGUPATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.603/2021

[RESPONDENT]

For Petitioner : M/S.C.MOHAN RAJ 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 petitioners, who apprehend arrest for the alleged offence punishable under Section 306 of IPC in Crime No.603 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant's father(deceased) with regard to the money borrowed by the defacto complainant's father from the 1st petitioner and regarding the same, the suit was pending. In such circumstances, the petitioners have informed the defacto complainant's father(deceased) that they will take his property within one week and he can't do anything, due to that frustration, the defacto complainant's father had committed suicide by consuming pesticide and immediately, he was hospitalized and subsequently died. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Infact, the deceased who is the owner of 1.¾ acres land, had sold the same to A1 and at the time of entering into an sale agreement, sale



consideration was fixed as Rs.1,00,000/- , out of which, the deceased has received a sum of Rs.80,000/- from A1 as an advance and executed a sale agreement before SRO, Dharapuram, Tiruppur District. Thereafter, the deceased refused to execute the sale deed in favour of A1. Due to which, A1 filed a suit for Specific Performance in OS.No.39 of 2010 on the Sub-Court, Dharapuram, Tiruppur District. After full fledged trial, the suit was decreed in favour of A1. Thereafter, A1 informed the defacto complainant to leave the land and removed the cow tied in the said land. Due to that frustration, the deceased had committed suicide by consuming and subsequently, he died. Hence, the petitioners have not responsible for the defacto complainant's father's suicide. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the investigation is in initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that there is no specific overt act against the petitioners, this court is inclined to grant anticipatory bail to the petitioners.

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 receipt of a copy of this order, before the learned Judicial Magistrate,Dharapuram, Tiruppur District on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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 petitioners 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 petitioners 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 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]; and;

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

-sd/-

28/10/2021

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,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.C.MOHAN RAJ Advocate on payment of necessary charges SR.NO.12064

CRL OP.20224/2021

Date :28/10/2021

INBA-12/11/2021