



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20417 of 2021

NATARAJAN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.419/2021.

For Petitioner : M/S.K.BALU Advocate

For Respondent : M/S.C.E.PRATAP, 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 Sections 174 Cr.P.C and 306 IPC in Cr.No.419 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is one Shanmuga Sundaram, who lodged a complaint against the petitioner alleging that his father late Subramanian had get some amount as hand loan from the petitioner on behalf of one Senthil. After receiving the amount, the said Senthil absconded and not returned the amount. Therefore, due to mental agony, his father drunk poison and dies on 21.09.2021. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the learned counsel submitted that even on bare perusal of the FIR, it could be seen that the petitioner did not threaten the deceased and therefore, the petitioner is not the reason for the death of the deceased and hence prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and there are no previous cases pending against the petitioner.

5. Considering the facts and circumstances of the case that in the FIR, there is no allegations against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate II, Jayankondam**, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 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;

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

-sd/-

29/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.II, JAYANKONDAM, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.12196

CRL OP.20417/2021

Date :29/10/2021

TA-10/11/2021