



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

Cr1.O.P.No.25940 of 2021

1.Vadivel
2.Jhansirani @ Jhansi

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Railway Police Jolarpet,
Vellore District.
Cr.No.95 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police concerned in Crime No. 95 of 2020 pending on the file of the Inspector of Police, Railway Police Jolarpet, Vellore District.

For Petitioners : Mr.T.R.Ravi

For Respondent : Mr.A. GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 174 of Cr.P.C altered into Section 306 of IPC in Crime No.95 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased sold his property and obtained Rs.12,40,000/- and gave that amount to one Karunakaran for interest. When the deceased approached the said Karunakaran, the main accused in this case for getting his money back, the petitioners who are the house owners of the said Karunakaran have scolded the deceased and chased him away, due to



which, the deceased got frustrated and committed suicide. Hence the complaint.

3.The learned counsel for the petitioners submits that petitioners are only the house owners of the main accused. When the deceased created ruckus in front of the house, they have asked the deceased not to create any alteration in their premises, other than this, they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that A1 borrowed money from the deceased and when the deceased approached him for his money, the entire family, who are the house owners of the main accused shouted at him and chased him away. Thereby, the deceased left a suicide note and committed suicide and investigation is still pending. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the fact that the names of the petitioners are not mentioned in the suicide note left by the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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 Additional District Munsif Cum Judicial Magistrate, Ambur, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for investigation.

[c]the petitioners shall not tamper with the 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 are 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/12/2021

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 ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
RAILWAY POLICE JOLARPET,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.R.RAVI Advocate on payment of necessary charges
SR.No.15675

CRL OP.25940/2021

Date :29/12/2021

CSK 03/01/2022