



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/05/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6485 of 2021

T.Murugan

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.321/2021).

... Respondent/Complainant

For Petitioner : Mr. Arulvadivel @ Sekar.C,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.321 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of IPC in Crime No.321 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the de-facto complainant's brother, namely, Murugan, had entered into a sale agreement with the petitioner and received a sum of Rs.50,000/- as advance and thereafter, the said Murugan sold the property to one Kadavul. Therefore, the petitioner sent a legal notice to Murugan. Thereafter, the matter was resolved between the petitioner and the said Murugan. In the meantime, the said Murugan committed suicide by self immolation and wrote the letter stating that the decision to commit suicide was only because of this petitioner. Hence, the complaint.



4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) strongly opposed this petition.

6. On perusal of the records, it is seen that there was a dispute between the deceased and this petitioner regarding the sale of land, which belongs to the deceased. A notice has been issued by the petitioner stating that the deceased has received Rs.10,00,000/-. It appears that this has caused some sort of irritation as well as humiliation in the mind of the deceased. AS per the suicide note, it is seen that the deceased received only Rs.50,000/- from the petitioner. So, because of this humiliation, the deceased appears to have committed suicide. Whether the statement of this petitioner that the deceased received Rs.10,00,000/- will amount on abetment of suicide or creating circumstances, to drive the deceased to commit suicide is a matter for trial.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the Judicial Magistrate, Theni, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a) 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;

(b) the petitioner shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/05/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6485 of 2021

Date : 21/05/2021

SJI

TE/MNR/SAR-III : 28/05/2021 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>