



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8023 of 2021

Anandaa Srinivasan

... Petitioner/Accused No.2

Vs

State rep.by

The Sub Inspector of Police,
Poovanthi Police Station,
Sivagangai District
Crime No.43/2021.

... Respondent/Complainant

For Petitioner : Mr.L.Shaji Chellan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

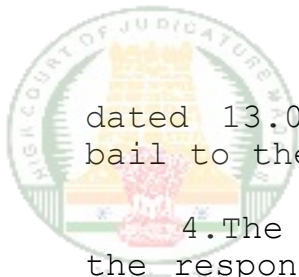
PRAYER :- For Anticipatory Bail in Crime No.43 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C. and subsequently altered into 306 IPC, in Crime No.43 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband was running two petrol bunks on lease and they were taken on lease from the accused 1 and 2. Subsequently the petrol bunk suffered loss the deceased could not be able to pay the amount. Therefore, the petitioner and other accused persons said to have scolded the deceased and gave more pressure to him for non paying the due amount. All the accused induced him to commit suicide on 16.03.2021 at about 6.00 a.m. and hence the defacto complainant's husband committed suicide. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. The first accused in this case was arrested and released on bail. He further submitted that similarly placed Accused No.3/ Vengatesapandian was granted anticipatory bail by the learned Sessions Court, Sivagangai, in Cr.M.P.No.64 of 2021,



dated 13.05.2021. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that the investigation is pending.

5.Considering the subsequent development, since the dismissal of earlier anticipatory bail petition in Crl.O.P.(MD)No.4685 of 2021, on 19.04.2021 and the fact that substantial part of the investigation is completed and also the fact that the first accused was released on bail and the third accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Sivagangai, 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] the petitioner and 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 report before the respondent police daily 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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/06/2021

/ TRUE COPY /

/ /2021
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 NO.II,
SIVAGANGAI.
- 2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.L.SHAJI CHELLAN, Advocate SR.No.4191

ORDER
IN
CRL OP(MD) No.8023 of 2021
Date :28/06/2021

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AE/JC/SAR-II/30.06.2021/3P/6C