



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.07.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8242 of 2021

Subburaj ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
In Crime No.220/2021.

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji, Advocate

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of TamilNadu
(Criminal Side)

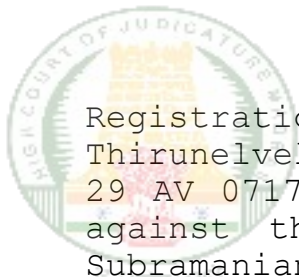
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.220 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 alleged offences punishable under Sections 294(b) and 306 of IPC in Crime No.220 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant married his brother's wife Valli after the death of his brother. Valli had two children namely, Bramanayagam and Lakshmid devi through his brother. Maharani Indhija was born to the defacto complainant and Valli. Bramanayagam was working as driver in load vehicle. On 08.05.2021, at about 09.00 am, Valli called Bramanayagam and since there was no response, a search was made. At about 05.00 pm, Bramanayagam was found dead at Keelakkanalloor. Originally this case was registered under Section 174 of the Code of Criminal Procedure. Subsequently, altered to Sections 294(b) and 306 of IPC. It is seen from the alteration report that on 06.05.2021, at about 09.00 am, Bramanayagam was coming in two wheeler bearing



Registration No.TN 72 F 6215, at Sasthiri Nagar Main Road along Thirunelveli - Pottalpudhur road, an auto bearing Registration No.TN 29 AV 0717 had come behind in a rash and negligent manner and hit against the two wheeler. Bramanayagam asked the auto driver, Subramanian to set right the damage caused to the two wheeler. Subramanian accepted to make necessary repairs. On 06.05.2021, at about 06.00 pm, Subramanian made call to Bramanayagam and informed him that the necessary repair was done and asked him to come and take the vehicle. When Bramanayagam visited there, he found that no repair work was done to his two wheeler. He was scolded filthily by Subramanian. Unable to bear this, Bramanayagam said to have consumed poison and died.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He further submitted that the co-accused A1 and A2 have been arrested and released on bail in Cr.M.P.No.3545 of 2021. Therefore, he seeks anticipatory bail to the petitioner.

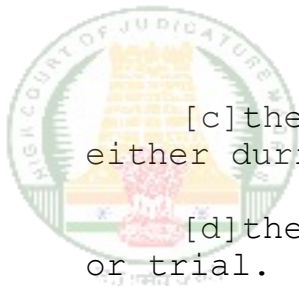
4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. It is seen from the alteration report that Bramanayagam committed suicide by consuming poison for the reason that Subramanian had not done repair work to his vehicle. Further, Subramanian also scolded Bramanayagam in filthy language. The co-accused A1 and A2 have been arrested and released on bail. Taking all these factors into consideration and also the fact that there is no specific overt act alleged against this petitioner in the alteration report, 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, Cheranmahadevi 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 respondent police daily at 10.30 am., 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.

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

sd/-

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

ORDER

IN

CRL OP(MD) No.8242 of 2021

Date :02/07/2021

MBI

JM/JC/SAR II/06.07.2021/3P/5C