



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.903 of 2022

1.Koteeswaran  
2.Ananthan

...Petitioners

Vs.

The State Represented by  
The Inspector of Police,  
Chetpet Police Station,  
Chetpet.  
(Crime No.1018 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest by the respondent police concerned in crime No.1018 of 2021, on the file of the respondent Police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.N.S.Sugunthan  
Government Advocate (Cr1.side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 306 IPC in Cr.No.1018 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the deceased/Dhatchana and the petitioners were partners. The deceased who is the son of the defacto complainant, took loan from a Finance company for which one Suresh/A1 has to pay the installments to the company. Thereafter, the deceased failed to pay the chit amount of Rs.13,000/- due to which, the said Suresh/A1 taken the auto of the deceased under his custody and placed it before the respondent police and lodged a complaint for non payment of the chit amount. Subsequently, the complaint was compromised on 27.11.2021, to the effect that the deceased shall pay Rs.13,000/- on 30.11.2021 and can take his auto. Due to mental stress and agony, the said Dhatchana went to the office of the Superintendent of Police and committed suicide by consuming poison and dead. Hence, the defacto complainant/father of the deceased lodged a complaint before the respondent police.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners and the deceased were mere partners and the allegation is against accused/A1, who lodged complaint against the deceased. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners and the deceased were partners. The deceased borrowed money from the Finance Company through A1 and failed to pay the same, for which A1 took the Auto of the deceased and lodged a complaint. Due to mental stress and pressure given by A1 and the petitioners, the deceased committed suicide by consuming poison. He further submits that accused/A1 and A3 are still in custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Tiruvannamalai, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioners and 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;

(b)the 1st petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. and the 2nd petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(c)the petitioners shall not tamper with 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 has been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/02/2022

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 JUDICIAL MAGISTRATE,  
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
CHETPET POLICE STATION,  
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S B. JAWAHAR Advocate on payment of necessary charges  
Sr.1820

CRL OP.903/2022

Date :02/02/2022

RVR 14/02/2022