



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.4525 of 2022

GOPAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.57 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

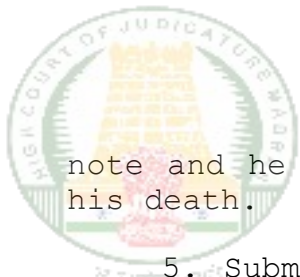
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 306 of IPC, in Crime No.57 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner and other accused abused the defacto complainant's husband in filthy language, due to which, the defacto complainant's husband committed suicide by consuming poison. Hence, the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submits that due to money transaction, the deceased committed suicide in other wise, the deceased and the accused persons are all relatives. According to him, the material object which are all necessary for completing the investigation are all recovered. Therefore, the custodial interrogation of the petitioner may not be necessary and thereby he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. According to him, the deceased already wrote a suicide



note and he pointed out the petitioner as he is also the reason for his death.

5. Submissions made by the learned counsels appearing on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Section 306 of IPC. The averments found in the First Information Report reveals the fact that previous to the occurrence, the deceased availed loan from one Malathi, who is also a relative of the deceased. After availing the loan, the same was not repaid and due to which, the said Malathi with the help of the present petitioner questioned the deceased and as a result of which, the deceased consumed Arali Seeds poison and committed suicide. As on now, the suicide note alleged to be executed by the deceased was recovered and the portion of the investigation has been completed.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 District-cum-Munsif Judicial Magistrate Court, Uthukuli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Court concerned 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 on every 10.00 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

24/02/2022

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 DISTRICT CUM MUNSIF
JUDICIAL MAGISTRATE COURT,
UTHUKULI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges Sr.2895

CRL OP.4525/2022

Date :24/02/2022

RVR 28/02/2022