



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

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

Crl.O.P.No.5539 of 2022

WEB COPY

Barani

...Petitioner

Vs.

State Represented by its
Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
(Crime No.757 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 arrest relating to Crime No.757 of 2021 on the file of the Inspector of Police, Manalmedu Police Station, Mayiladuthurai District.

For Petitioner : Mr.R.Siva Kumar
for Mr.B.Harish

For Intervenor : Mr.G.Sriram

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 420, 506(ii) of Indian Penal Code, 1860 read with Section 10 & 24 of the Emigration Act, 1983, in Crime No.757 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the deceased was working under the petitioner's brother/A2, who is running a company at Dubai. It is alleged that A2 had not paid salary and also given so many works and thereby the deceased suffered mental agony by the act of A2 and committed suicide by hanging and further the petitioner threatened the defacto complainant's family with dire consequences. Hence, the Law Enforcing Agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected with the alleged occurrence and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the this Court dismissed the petitioner's earlier anticipatory bail petition in Crl.OP.23077 of 2022 daed 02.12.2021. He further submits that investigation was almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor submits that the petitioner working under the petitioner's brother/A2, who is running a company at Dubai. It is alleged that A2 had not paid salary and also given so many works and thereby the deceased suffered mental agony by the act of A2 and committed suicide by hanging and further the petitioner threatened the defacto complainant's family with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Mayiladuthurai, on condition that the petitioner shall execute a separate 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 petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.757 of 2021 before the concerned Magistrate within a period of seven (7) days from the date of receipt of a copy of this Order and on such deposit, the mother of the deceased viz., Tmt.Selvi is permitted to withdraw the above said amount with an undertaking affidavit and on proper identification and acknowledgment;

[b] 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.



[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 is 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];

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

8. "For reporting compliance", post the matter on 28.04.2022.

-sd/-

12/04/2022

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, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION

3 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
MAYILADUTHURAI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S.K.M.VIJAYAN ASSOCIATES Advocate on payment of
necessary charges

CRL OP.5539/2022

Date :12/04/2022

CSK 13/04/2022