



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9054 of 2022

V.ARIVAZHAGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM.

(CRIME NO.133/2022)

For Petitioner : M/S. JAYASRI BASKAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. 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 offence under Sections 174 of Cr.P.C. altered into under Section 306 of IPC in Crime No.133 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side).

3. It is a case where the husband of the de facto complainant had consumed poison on 02.02.2022 and died on 06.02.2022. Initially, the case was registered under Section 174 of Cr.P.C. and later it was altered to Section 306 of IPC based on the information that the deceased consumed poison due to pressure exerted on him by three persons for the money advanced to him and instead of recovering the money from him, they have taken away his TATA ACE car. The statement of the de facto complainant dated 07.02.2022 is recorded. After the death of her husband, the case was altered to Section 306 of IPC.



4. The learned counsel for the petitioner stated that the deceased has borrowed the money from various persons, to avoid repayment of the same, he committed suicide of his own and the petitioner has not aided or abetted the deceased to commit suicide.

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5. Considering the averments found in the FIR and the statement under Section 164 of Cr.P.C it is found that, after the demise of the de facto complainant's husband, she disclosed certain facts which were happened without her knowledge even after lodging of the complaint.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Chidambaram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(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 has 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.

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-sd/-
21/04/2022

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.II, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S K.V.SRIDHARAN Advocate on payment of necessary charges SR.No.5977

CRL OP.9054/2022

Date :21/04/2022

CSK 25/04/2022