



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10582 of 2022

G.NANDAGOPALA KRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
GOLAMANGALAM POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.119 OF 2022.

For Petitioner : M/S.HARI BABU Advocate

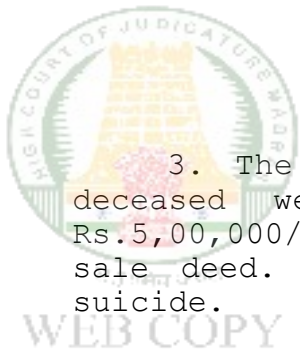
For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section **174** of IPC in Crime No. 119 of 2022 at Golamangalam Police Station, which was altered into Section **306** of IPC, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Petitioner entered into a sale agreement with the deceased Kanagaraj for purchasing the land belonging to the deceased, which was only an oral agreement. In pursuance to the oral agreement, the Petitioner had paid Rs.5,00,000/- as advance. Subsequently, it is alleged in the complaint that the Petitioner had not come forward to execute the sale deed and he was protracting the execution of the sale deed. When the deceased asked him to return the original documents, he failed to return the same, rather he wanted the deceased to part with 2.5 acres of land for construction of Renukadevi Temple for Kammavar Naidu community people. When it was refused by the deceased, the Petitioner said to have told them that he would not return the original documents. Therefore, the deceased Sumathi had consumed poison followed by her husband/Kanagaraj. As a result, both of them died.



3. The learned Counsel for the Petitioner submitted that the deceased were not willing to return the advance amount of Rs.5,00,000/- and the petitioner was all along ready to execute the sale deed. He was no way responsible for the deceased to commit suicide.

4. The learned Government Advocate (Cr1.Side) opposed this petition on the ground that the investigation is still pending.

5. The reading of the First Information Report shows that when there was a conversation between the Petitioner and the deceased with regard to return of original documents and when the Petitioner told them that he would not return it unless the deceased part with 2.5 acres of land, the deceased Sumathi said to have consumed poison followed by her husband/Kanagaraj. The reading of the First Information Report further shows that there is not even a suggestion or a hint of the Petitioner abetting the deceased to commit suicide. The Section 306 of IPC reads that,

"If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years , and shall also be liable to fine."

6. The necessary ingredient is not there in the First Information Report to attract Section 306 of IPC against the Petitioner and the petitioner cannot be made responsible for the instant decision taken by the deceased on their own to commit suicide.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate -II, Pollachi**, 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 learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Investigating Officer, daily at 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/-

05/05/2022

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-II,
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GOLAMANGALAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.HARI BABU Advocate on payment of necessary charges
SR.NO.6809

CRL OP.10582/2022

Date :05/05/2022

TA-06/05/2022